

Alfred Kazin and Roger Rosenblatt on Edmund Wilson

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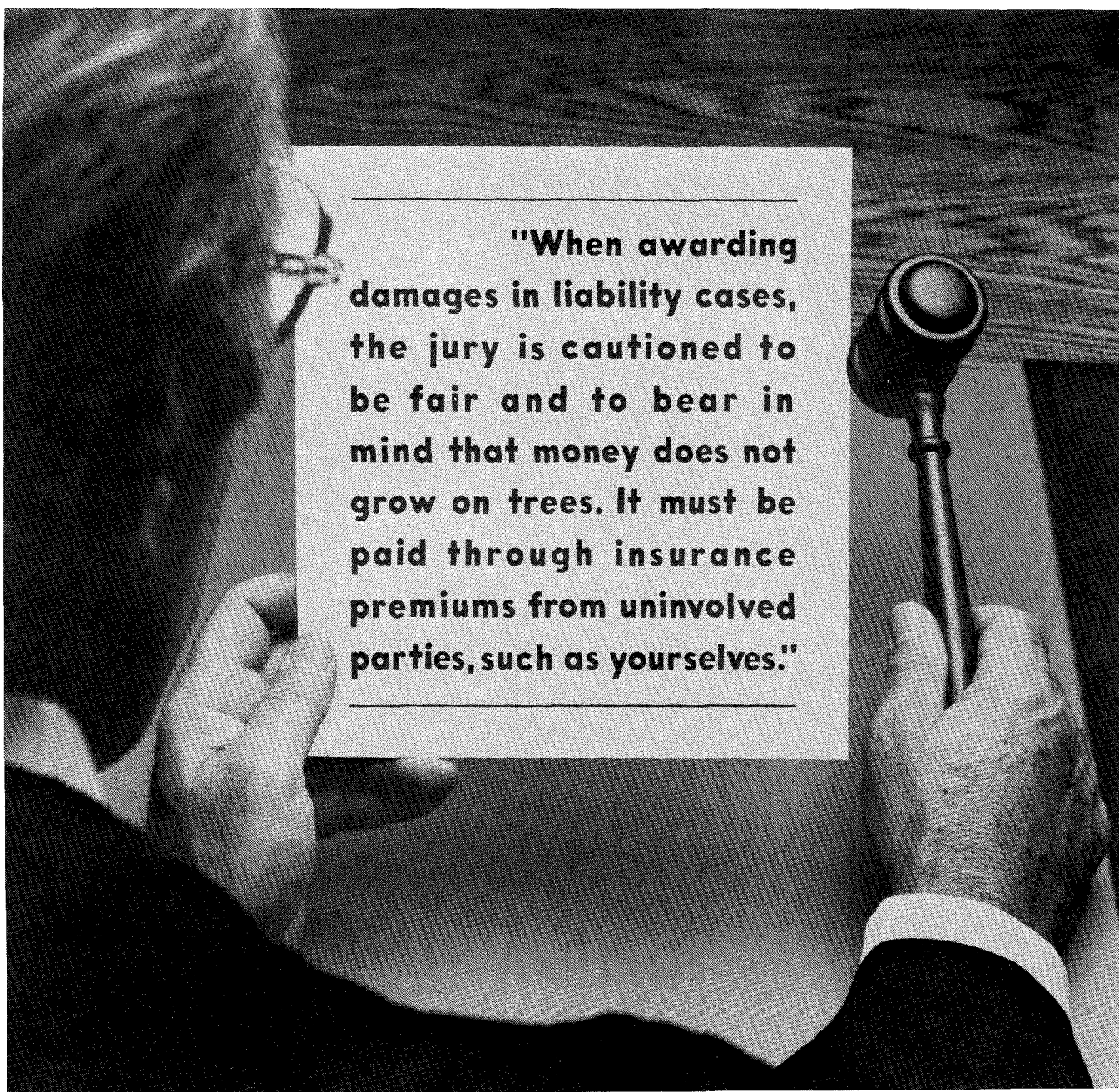
THE NEW REPUBLIC

October 15, 1977

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Special Issue — Meritocracy and Its Discontents





"When awarding damages in liability cases, the jury is cautioned to be fair and to bear in mind that money does not grow on trees. It must be paid through insurance premiums from uninvolved parties, such as yourselves."

Too bad judges can't read this to a jury.

In a small Florida town, a decorative boulder rests on the median of a road. A man with three drinks in him and no sleep for 18 hours smashes his car headlong into it. A jury orders the town to pay him \$4.7 million in damages.¹

A truck without brake lights is hit from behind. For

“psychic damages” to the driver, because his pride was hurt when his wife had to work, *a jury awards \$480,000 above and beyond his medical bills and wage losses.*

Then there’s the one...but *you* can probably provide the next example. Most of us know hair-raising stories of windfall awards won in court.² Justified claims should be compensated, of course. Aetna’s point is that it is time to look hard at what windfall awards are costing.³

What can we do? Several things:

We can stop assessing “liability” where there really *was* no fault—and express our sympathy for victims through other means.

We can ask juries to take into account a victim’s *own* responsibility for his losses. And we can urge that awards realistically reflect the actual loss suffered—that they be a *fair compensation*, but not a reward.⁴

Insurers, lawyers, judges—each of us shares some blame for this mess. But it is you, the public, who can best begin to clean it up. Don’t underestimate your own influence. Use it, as we are trying to use ours.

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¹This case is being appealed by the town. In addition to the court-awarded damages, two other defendants (the contractor and the county) settled out of court for an additional \$1.15 million. This illustrates how extravagant jury-awarded damages set a standard for extravagant *out-of-court* settlements—the real problem,

since most liability cases *are* settled out of court.

²A by-product of such awards has been a quantum leap in the number of all kinds of suits filed. Products liability cases *alone* have increased from 50,000 a year in the 1960’s to almost a million a year now.

³Most awards are paid by in-

surance, and insurance companies spend millions more defending policyholders against lawsuits. The direct result is rising premiums for automobile and other liability coverages. The *indirect* result is higher prices for goods and services—prices which are boosted to cover the skyrocketing insurance premiums of

manufacturers, doctors, hospitals, and others who are targets for windfall awards.

⁴For example, it would help if juries were simply required to take into account payments the claimant has already received for medical bills and lost wages. Under the present system, these bills may be paid all over again.

TRB

from Washington
October 15, 1977

®

Speak to Us, Jimmy

I think Jimmy Carter ought to sit down right away, quick, and start explaining things to the American people. There are too many problems, they're too complex, people don't understand. Congress is getting all bogged down with a legislative glut and the big bills are standing in line like people on a theater queue, awkwardly waiting for somebody up ahead to get out of the way.

The inexperienced Carter administration thought that with the big Democratic majority and with the President's ability to go to the people he would get much faster legislative action. But the energy bill has only just reached conference and there is the tax reform bill, and the welfare bill, and the Panama Canal treaty (put off till next year) and social security reorganization and the new labor law revision bill and a dozen others.

It isn't as though the President got elected by a landslide with the party loyalty that that always inspires; he squeaked in with 51 percent and, although he belongs to the same party as the huge majority in both houses, very few of them were personally aided by his support. His frequent campaign promise to appeal over their heads to the folks back home sounded rather like a threat. In nine months he has offered one of the biggest packages of social and economic change ever advanced since FDR, and much of it is badly needed. But then

came the Bert Lance affair and the unfortunate director of the Office of Management and Budget had to be pushed down the political path from OMB to tomb. Then came the Senate energy filibuster. My impression is that the public is way back behind somewhere, trying to catch up and failing to grasp the hazards of the economic situation, or of the energy shortage which, a CBS/*New York Times* sampling indicates, a majority of them still don't believe in. Jimmy Carter ought to be explaining.

Look at the economic situation. Over the period 1970 to 1976 (a new report of the Congressional Joint Economic Committee calculates) unemployment has cost a total of 38 million man years. Not hours—years. The production loss has been commensurate: it comes to a cumulative total of about \$600 billion in 1972 prices. That's a lot of money. It means that any American family of four has lost about \$12,000 due to underutilization of resources. How many families could use an extra \$12,000? Speak up!

That isn't the worst of it. The original recession and the current agonizingly slow recovery are worldwide and the industrial nations are now beginning to drown their pain by reaching for the bottle of trade restrictions. In fact creeping protectionism has begun. The cry of "Unfair!" goes up, very often with cause for the manufacturing countries are all tempted to export their unemployment to their neighbors. Politicians can't resist this: if a US steel company lays off a quarter of its force because Japanese steel is cheaper something has to give right way, even if the American steel plant is an old-fashioned open-hearth affair that should have been junked years before.

It is doubtful if the man in the street understands the Senate filibuster against phasing out price control on natural gas until it suddenly collapsed. The Senate voted the bill last week, 50 to 46, with Republicans 34 to 3 in favor, and the Democrats 16 to 46, against. US Chamber of Commerce head Richard Leshner immediately hailed the Republican-Dixiecrat conservative victory, and President Carter promptly said he would veto the bill if it reaches him with its huge burden for the consumer. It won't; it is practically certain to be compromised in conference.

The question is whether the President is giving the explanations he ought to in these terribly complicated affairs. He

began with confusion himself. First he thought the economy needed the stimulus of a massive \$50 rebate; then he withdrew it. He was urged to do so by the departed Bert Lance trying to inspire "business confidence." It hasn't shown in the stock market, which has dropped from around 1000 when Carter took office to under 850 now. Is it trying to tell us something?

Not since Roosevelt have pundits been so perplexed. The combination of inflation plus unemployment baffles them. Here is the grand cham of the monetarists, Milton Friedman, writing in *Newsweek* the other day that we should balance the budget. Four times in a generation he has told the country how to stop inflation, he says rather primly, and the country hasn't listened to him. Naturally inflation resulted. But here is estimable Walter Heller, articulate spokesman of the Keynesian approach (and former chairman of the Council of Economic Advisers) stating just the opposite.

A writer in *Time* magazine explains all about energy to us in a condescending two-page "essay." There's lots of energy, he says, if only we phase out controls, boost prices, and turn the whole thing over to the big oil companies who understand these things. What they need, he says, is incentive. That's the view of John Connally, too, the Republican Party convert, who has unexpectedly surfaced again from Texas and seems to be running hell-bent for the GOP 1980 nomination. He's against all these bothersome environmental safeguards. Other spokesmen, just as knowledgeable, confusingly say just the opposite. Discussing similar discrepancies the *New York Times* gloomily heads its editorial, "Paralyzed Economists, Stagnant Economy."

Starting November 22 President Carter takes a dazzling dash abroad—four continents, 11 days, eight foreign countries. He probably won't have much time to explicate his complex tax, welfare, energy, and economic programs en route. Before that he makes a quickie trip, Oct. 21-23, to Detroit, Des Moines, Denver and Los Angeles. He'll address Democratic fundraisers, aid candidates, hold one of his telephone question-and-answer shows and stay at a private home. All legitimate publicity, of course. But we would just as lief he stayed home in this time of confusion and put on some fireside chats. He's good at those and we need them.

Correspondence

Praise indeed

To the editors:

I'm a devoted fan of John Osborne, *TNR* comments, and *TNR* book reviews—in that order. I am, therefore, absolutely ecstatic that you took the time and space to review *Away from Home* (*TNR*, Oct. 1). Although it's not a review I'll pass on to my mother, I wanted you to know how very sincerely I appreciate the honor of a *New Republic* review.

Gloria Carter Spann
Plains, Georgia

The Atlas Letters

To the editors:

As I read James Atlas's review of Marjorie Perloff's *Frank O'Hara: Poet Among Painters* (*TNR*, Sept. 10), I became aware of something that rarely happens to me as I read through your book section, namely that the book I had read had nothing in common with the one Mr. Atlas was purportedly reviewing. Whereas I had found Perloff's book extraordinarily lively and in tune with the spirit of the poet she was writing about, Mr. Atlas complains about a book which he characterizes with such terms as "academic jargon" and "scholarly reticence." Could it be that he was mistakenly reviewing a book on O'Hara by somebody other than Marjorie Perloff?

Herbert S. Lindenberger
Stanford University

To the editors:

James Atlas's essay on Marjorie Perloff's *Frank O'Hara: Poet Among Painters* is a classic instance of the non-review. In this genre the writer, instead of communicating some concrete sense of the book at hand, makes his essay an occasion for expounding his own views on the book's subject, then adding, almost as an afterthought, a few dismissive paragraphs on the book he had ostensibly started out to review. He establishes his authority, then he makes some pro-

nouncements. Actually, far from resorting to "academic jargon," Ms. Perloff's readings of O'Hara's poetry show a care, patience and willingness to listen that are utterly lacking in Atlas's review. And in closing, Atlas, the author of a forthcoming biography of Delmore Schwartz, attacks Ms. Perloff for not writing a biography of O'Hara. On these self-vindicating grounds, it is possible to loathe apples—because they are not oranges.

James E. Breslin
University of California, Berkeley

In reply:

Mr. Lindenberger's forced attempt at whimsy requires no reply, since he offers only a difference of opinion. As

for Mr. Breslin's objections: it seems to me preferable, when writing for a non-scholarly journal, to provide a general introduction to the subject at hand than to belabor one's criticism of a mediocre book. In doing so, I have before me a venerable tradition of literary journalism practiced by Sainte-Beuve, Arnold Bennett, Virginia Woolf, and Randall Jarrell, among many others. Perhaps it was unfair of me to criticize Marjorie Perloff for not having written more about O'Hara's life, but I did feel that her book became livelier whenever she ventured in that direction.

James Atlas

South Korea

To the editors:

Morton Kondracke's article, "South Korea with Sympathy" (*TNR*, Sept. 17) almost reads like a press release from the South Korean government; it betrays a woeful lack of knowledge of recent
(continued on page 48)

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Contents

TRB from Washington	2	Speak to Us, Jimmy
	3	Correspondence
Comment	5	Disadvantaged Groups, Individual Rights
		Too Casual Diplomacy
		Abortion Double Standard
		Field Goals and Affirmative Action
		Letting Off Gas
Seymour Martin Lipset and William Schneider	8	An Emerging National Consensus
John Osborne	13	White House Watch: Carter's Brief
Leonard Fein	16	The War Inside the Jews
Eliot Marshall	18	Race Certification
Ken Bode	20	Unions Divided
Michael Kinsley	22	The Conspiracy of Merit
Seth Kaplan	25	Clerking for the Supremes
Stanley Kauffmann	32	Films
Alfred Kazin	33	Edmund Wilson
		Books Considered
Germaine Brée	41	The Life and Times of Emile Zola by F.W. Hemmings
Paul Robinson	43	The Callas Legacy by John Ardoin
Roger Copeland	44	Dance Beat by Deborah Jowitt
Steve Lawson	45	America in the Dark by David Thomson
Roger Rosenblatt	47	The Back of the Book: Edmund Wilson
Washington Diarist	52	Dictators

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October 15, 1977



Disadvantaged Groups, Individual Rights

The *Bakke* case raises hard issues and divides Americans in unaccustomed ways. The legal issues are especially difficult and sometimes, from a layman's perspective, a little mysterious. But the issue of college and professional school admissions, and of "benign" discrimination generally, cannot be resolved by jurisprudential technicalities. We have to think about the character of American social life and about the moral limits on politics as well as the constitutional ones. The justices of the Supreme Court will have to do this too, for it is unlikely that the law will yield any clear answer to the questions Allan Bakke has put, unless it is elucidated in its largest sense.

Let us begin simply. The United States is a pluralist society: multi-racial, religiously and ethnically heterogeneous, a world of group experiences. We have not melted—and won't. Our social life requires mutual respect among divergent cultures. At the same time, we are a nation of individuals. Whether we accept or reject the communities from which we have sprung, we make our own way, we stand for ourselves. Our destinies are personal rather than collective. That is why rights refer to individuals under the constitution, and not to groups.

A pluralist society, a nation of individuals: the two are sometimes in tension, but they also go together. It is individualism that makes pluralism possible. If we had no recognized identities except as members of groups, every political disagreement and every personal conflict would raise the specter of civil war. And it is pluralism that makes individualism bearable, for if men and women stood only for themselves, without communal support, they would be frighteningly lonely and vulnerable.

So we strike a balance between two basic values, and it is a crucial feature of this balance that group identification should be voluntary. It may be the result of pressures internal to the group, but it should not be pressed on the individual from outside. In the US, we don't carry identity cards. We are uneasy with every kind of racial, religious, and ethnic classification—even when our sense of solidarity is very strong. To be classified is to be judged as a member, not as a particular person. That is doubly threatening: first to individual rights and then to the integrity of communal life. Classification for a purpose other than sheer description implies a hierarchy of classes. So it drives people to choose their groups, if they can, for reasons other than their private feelings and commitments. And it penalizes them if they can't or won't make the rewarded choices. Mostly they can't and won't: racial, religious, and ethnic identities are not easily shaken off. But the situation is no better when they can and will, for escaping, "passing" and even assimilation all have their own humiliations.

These are easy truths. Because American pluralism is distorted by racial and economic inequality, we know a great deal about the pain caused by hierarchal classification. Above all, we remember the quotas and other forms of officially sanctioned discrimination of only a few decades ago, which assigned individuals to privileged and unprivileged groups and required that they be treated differently without reference to their individual differences. Liberals fought a good fight against these evils in the 1940s and 1950s, a fight they substantially won. The quota system dismantled in those years was an especially crude defense mechanism for established white and Protestant elites. Members of

those elites did not claim that Jews, Catholics, and blacks were untalented—if so, quotas would have been unnecessary—but rather that too many talented Jews, Catholics, and blacks were dangerous to the social order. They were wrong about that; the end of quotas achieved only a modest social transformation. It opened American society to individual advance and ethnic assertion. It cleared the way for more important struggles over the distribution of wealth and power. Ironically, it is because those struggles have not in fact produced a new social order that quotas are once again an issue in American life.

The new argument for quotas has this form: pluralism and individualism, it is said, are not enough. Some groups are so radically disadvantaged, have been hurt so badly by past oppression, that their members cannot develop their talents or compete successfully for places even in an open society. Openness is itself repressive; it serves to maintain the *status quo*. A new classification is necessary, a kind of “reverse discrimination.” The last must be first, at least for a time, until they have thrown off the burdens of their history. There must be privileges for the oppressed: as quotas were once used to inhibit, now they must be used to guarantee the mobility of disadvantaged groups.

One reason to be wary about this argument is that it's not very likely that quotas can accomplish their putative end. The old quota system worked to keep new blood out of established elites; the new system might pump new blood in. But as an instrument to raise a whole community out of isolation and poverty, the quota system is unlikely to work. Quotas will guarantee mobility only to a small percentage of the members of disadvantaged groups, many of whom could make it on their own. It is unlikely to improve the lot of black or Hispanic-Americans generally. That would require a more far-reaching and radical strategy, aimed above all at achieving and sustaining full employment in the American economy. “Full employment,” writes Robert Lekachman, “sucks into the labor force men and women who now struggle on welfare, food stamps, Social Security, and unemployment compensation. It pushed up the wages of low-paid people. . . . It is an especial boon to blacks, Hispanics, teen-agers, and women. . . . A long spell of full employment would substantially narrow existing wide differentials between the earnings of these groups and those of white males.” The radical strategy would involve a major challenge to a kind of privilege that is more important than that of race and ethnicity, the privilege of wealth. Holding 15 percent of available medical school places open for “minorities” is, to say the least, less challenging—and that is the secret behind the attractiveness of quotas to many people who once would have thought 15 percent much too high a figure. This is why conservative university trustees and administrations find something like quotas a great

convenience, and why liberal faculty members generally do not. The figure, of course, is low enough, if it is conceived as a way of avoiding more serious measures on behalf of (say) black teenagers, 50 percent of whom are unemployed and unlikely to be candidates for admission to medical school, or to find any other road out of the deprived life.

But a full-employment strategy is not in the cards, despite President Carter's campaign promises. Meanwhile quotas and other officially sanctioned racial restrictions on opportunity are already in force. At the University of California Medical School at Davis, Allan Bakke found that he was excluded, because of his race, from competing for 16 of the 100 available places. These 16 places were reserved for members of minority groups, who were judged by a separate admissions committee employing its own set of standards. What are we to make of this sort of thing? It is, first of all, the work of well-meaning people, and it has a limited but laudable purpose: to increase the number of black and Hispanic-Americans practicing medicine, to build up the black and Hispanic middle class. But the method employed is one that was once used to uphold inequality and to set limits on individual self-development, and those who would reintroduce it carry a heavy burden of argument. There are a number of questions to which they have not yet given reassuring answers. Not to be coy, we don't think there are any reassuring answers. Assuming that this sort of arrangement is endorsed by the Supreme Court and duplicated in other areas of American life:

What groups should be helped? Black Americans are the easiest to talk about, for their ancestors endured years of slavery and radical oppression. But they are, even now, not the only newly favored group, and the logic of the argument cannot stop with them. Quotas must be numerical, and the numbers are fixed with reference to demographic proportionality. Any group that is not represented among doctors, lawyers, college professors, corporation executives, airline pilots (or, for that matter, among the members of symphony orchestras or the writers for *The New Republic*) in strict proportion to its representation in the population at large can plausibly be called disadvantaged. And if one such group is helped, why not another? If there are two admissions committees, why not three, or six? For the moment, there are *ad hoc* understandings that enable us to draw the line. But these are virtually certain to break down once lawyers, administrators, and officials from HEW get to work.

In any case, proportionality seems to us a sterile ideal. Isn't it strange to insist that a just society requires the exact replication of the social hierarchy in each of its groups? The values of pluralism stand in the way of such a program. Of course pluralism does not require that the Jews should all become doctors, Protestants become bankers, and the blacks go into domestic service. But groups are different, and under egalitarian

conditions they will generate different occupational profiles so long as individual members are free to make their own choices and so long as the rest of us treat them like everyone else.

How shall group membership be defined and enforced? If there are advantages to be had in this or that racial or ethnic classification, then ambitious men and women will seek to be appropriately classified. Quotas invite deception, and then they invite administrative checks on deception. This sort of thing is new in the US. In general, we allow individuals to label themselves. Census takers, for example, are instructed not to challenge anyone's ethnic self-identification. But already there are signs of change. In San Francisco, according to an article in the *Village Voice* of August 8, "53 police officers calling themselves American Indians were summoned before the Equal Opportunity Commission and asked to prove their claim. All 53 were reclassified as white." This new style in "passing" is comic enough, though it is easy to imagine more disturbing cases. In Massachusetts, the Division of Personnel ruled, apparently on the basis of a "visual inspection," that a police officer who claimed to be black actually was white. How could its officials be sure? If there are to be official advantages dispensed on the basis of race, the official dispensers will have to find ways of making sure who qualifies, because the right of self-identification quickly would make a quota system unworkable. How will they do it?

How much help is called for? It isn't always a kindness to admit students to schools whose normal standards they cannot meet. This problem is not much talked about openly in our educational institutions, but it is already there, and festering. It is especially cruel to the large numbers of officially disadvantaged Americans who *can* meet the normal standards to brand them as if they can't. Their genuine achievements may not be recognized by their peers and perhaps not even by themselves. There will be problems of morale. There will be unnecessary dropouts. And at the end of the road, there will be too many low scores on medical boards, bar exams, civil service exams, etc. And then, predictably, it will be said that the tests have to be changed to make sure that the right numbers of the right people pass them. Indeed, standards for admission to this or that profession are no more absolute than standards for admission to this or that professional school. They can be fiddled with. They, too, have been fiddled with in the past. Why not, as with admissions committees, have two medical boards? Or two bar exams? There are no easy answers to questions like these, once one has started down the road to racial preference.

And finally the toughest question of all: *At whose expense is help to be given?* Quotas always impose costs: if places are held for one group of people, members of other groups are necessarily excluded from them, or rather individuals have been excluded because they happen not to be members of the group with newly ascribed privileges. More generally, if one group is giv-

en an official advantage, all others necessarily suffer a disadvantage. The system can hardly be designed so that only "oppressors" are excluded, as if we know who the oppressors are. The fate of young men and women is at stake, and they are classified according to their racial or ethnic identity, not according to their moral conduct. In fact, under present circumstances, it is the marginal candidates among white applicants who will lose out. And if it is true (or partly true) that academic marginality connects with social disadvantage, then it is the "white ethnics" who will lose out. Among the deprived of this country, white people still predominate. The real meaning of racial preference is not that the last should be first, *but that the last should be pushed ahead of the next-to-last*. And that is a grossly unfair way, even if it is a typical way, of dealing with social problems.

Quotas simply shift injustice one notch up the social hierarchy, leaving the basic inequalities of American society untouched. And they reintroduce racial and ethnic classifications that are certain to intensify and exacerbate the experience of inequality. They are more likely to foster than to overcome resentment—in part because they make resentment a plausible, even justifiable emotion.

This is the point on which the Supreme Court should focus its attention. For Allan Bakke's claim is precisely that he has been victimized because of his race. His claim isn't that he has a right, or that anyone does, to be admitted to medical school (though admission is the remedy he seeks), but rather that he has a right to be considered for admission as an individual, on the basis of his own qualifications. No doubt, universities and professional schools apply many criteria in the admissions process. And in our pluralist society, these criteria will have a differential impact on different groups. But it is critical to the success of a liberal pluralism that group membership itself is not among the permissible criteria of inclusion and exclusion.

This argument against quotas applies, unfortunately, to much of the effort that goes under the name of "affirmative action." Too often the difficult task of penetrating the encrustations of past disadvantage in order to treat a candidate on his or her true merits is abandoned in favor of a simpleminded favoritism applied on the basis of race or sex. Any system that confers advantage on the unadorned basis of group membership—even if the particular individual has suffered none of the disadvantages for which the group is supposed to be compensated—is fatally flawed whether or not it features fixed numerical quotas.

But affirmative action need not be so simpleminded; and of course often it isn't. There are many ways of reaching out to the members of disadvantaged groups that are not only unobjectionable but positively called for in a society with a history of economic and racial

oppression. The purpose of affirmative action is not and cannot be to guarantee advancement for the members of a particular group. Its purpose is to break down the patterns of prejudice and discrimination that once went along with and often have outlasted the old

official discrimination; to make sure that talented individuals, from every social group, have a chance to shine. Admissions officers must look for personal strength—pride, energy, enterprise, compassion—with the understanding that these qualities are

An Emerging National Consensus

The busing experience has shown that when the courts decree, the public does not automatically adjust its views accordingly. Therefore it is important as well as interesting to know how Americans feel about the issues raised by the Bakke case. A review of the opinion polls dealing with race-related issues from the 1930s to the present shows a vast improvement in American attitudes toward blacks, women, and other disadvantaged groups. But Americans respond differently to issues of discrimination, integration, government involvement and the tactics of the civil rights movement. And now the issue of "reverse discrimination" is forcing Americans to rethink their opinions yet again.

Few Americans today endorse outright discrimination, but most white Americans do not want full integration of the races either. In a 1976 Harris survey, when asked, "Generally speaking, do you favor full racial integration, integration in some areas of life, or separation of the races?" 12 percent of whites favored "separation of the races," but only 28 percent supported "full racial integration." Forty-eight percent favored "integration in some area of life." This has been a consistent pattern over the past twelve years.

White Americans have long recognized that blacks are discriminated against in the United States. But, oddly, they do not believe blacks are treated "unfairly." In a 1966 poll administered by the National Opinion Research Center, 73 percent of whites felt that "Negroes are treated fairly in this part of the country." But over half of those 73 percent also felt that there was either "a large amount" or "some" racial discrimination "in this part of the country." The apparent reason for this discrepancy is that most whites do not believe discrimination is the principal cause of black inequality.

Earlier this year, NORC asked whites to choose among "explanations" of why blacks, on the average, have "worse jobs, income, and housing" than white people. Twenty-five percent accepted the state-

ment, "because most blacks have less in-born ability to learn." But only 39 percent accepted the statement that black inequality is "mainly due to discrimination." The most widely accepted statement, endorsed by 65 percent of whites, was: "because most blacks just don't have the motivation or will power to pull themselves up out of poverty." Most whites accept the reality of at least some racial discrimination, but see black problems as stemming essentially from the moral failings of individuals.

This attitude is at the core of most whites' ambiguous feelings about race. They sympathize with blacks over past mistreatment and are increasingly aware of the continuing vestiges of discrimination. At the same time, they deeply resent what they perceive as the unwillingness of many blacks to live by the standards of middle-class America. The widespread rejection of the view that blacks are inherently inferior gives greater credibility to the moral argument. If blacks are not innately inferior, then one must find another explanation for racial inequality. The explanation accepted by most white Americans is not discrimination but lack of effort.

The NORC poll offered another "explanation" of black inequality: "On the average, blacks have worse jobs, income, and housing than white people . . . because most blacks don't have the chance for education that it takes to rise out of poverty." This proposition provoked an even split among whites in the 1977 survey—49 percent agreed and 48 percent disagreed.

Every two years since 1970, the Center for Political Studies of the University of Michigan has asked Americans to choose between two alternative propositions—that "the government in Washington should make every possible effort to improve the social and economic position of Negroes and other minority groups," or that "the government should not make any special effort to help minority groups, but they should be expected to help themselves." Every time, more

people have said that minority group members should "help themselves." But the difference was not very great. In 1970, 27 percent favored special government aid to minority groups, and 40 percent said they should help themselves. In 1976, 29 percent favored special aid and 36 percent opted for minority groups "helping themselves." When the same poll asked a similar question with no reference to race, a plurality of Americans again chose the creedal response, "Let each person get ahead on his own." But the percentages favoring government support were slightly lower than the percentages that favored special aid to blacks and other minority groups, suggesting that Americans have no special aversion to government aid intended specifically for minority groups.

Our review of the opinion data suggests that Americans are sensitive to the distinction between *compensatory action* and *preferential treatment*. Compensatory action means measures to help disadvantaged groups catch up to the standards of competition set by the larger society. Preferential treatment means suspending those standards. Americans will accept the argument that race and sex are disadvantages which justify some degree of compensation. But every attempt to introduce a reference to preferential treatment meets stiff opposition from a vast majority of Americans. Whites in a 1972 survey by the University of Michigan Survey Research Center favored "government job training programs for Negroes" by 77 to 16 percent, but opposed "giving Negroes a chance ahead of whites in promotions where they have equal ability" by 82 to 12 percent. In 1974 Gallup asked whether "a black person who is qualified should be given a job or a promotion instead of a white person even if the white person is somewhat better qualified." Predictably, Americans were almost unanimous—96 percent—in saying that the job or promotion should go to the best qualified person regardless of race. Even 83 percent of blacks agreed. Because of

differently expressed in different cultures, and tested far more harshly in some parts of our society than in others. But personal strength, by definition, is an individual trait, not a group trait. It cannot be recognized unless all members of all groups are treated

as individuals. It is difficult to do that, with any degree of fairness, in an inegalitarian society. But that is what doing justice requires. Beyond that, it still remains to create a society where pluralism is undistorted by hierarchy and where justice is easier to do.

the heavily weighted wording, the 1974 Gallup question should be taken as a test of one "extreme" end of the scale of affirmative action: promoting a black over a better qualified white. Question wording does have a significant effect on the public's response, but even the "softest" wording cannot generate a plurality of Americans who accept "preferential treatment" in hiring or in university admissions. In March 1977 Gallup asked people to choose between "preferential treatment" for women and minorities in getting jobs and college admission, and "ability, as determined by test scores" as "the main consideration." Eighty-three percent chose "ability" and only 10 percent favored "preferential treatment." Women favored "ability" by a margin of 71 points, and even blacks endorsed the meritocratic standard by a margin of 37 points, 64 to 27 percent.

The Gallup and other surveys contrast quotas or preferential treatment with "merit" or "ability." A 1976 survey by Pat Caddell's Cambridge Survey Research eliminated these code words and so provides the "softest" test of public opinion on this issue: "Some large corporations are required to practice what is called affirmative action. This sometimes requires employers to give special preference to minorities or women when hiring. Do you approve or disapprove of affirmative action?" Caddell did not give his respondents a contrasting "meritocratic" option, and he limited the application of affirmative action to "some large corporations." Still, 51 percent disapproved of such policies, compared with 35 percent who approved, a margin of 16 points. Women disapproved of affirmative action by 12 points. In this case, blacks endorsed affirmative action by 58 to 24 percent. People describing themselves as "liberals" were evenly divided, 43 percent approving and 45 percent disapproving.

In July 1977 CBS News and *The New York Times* surveyed attitudes regarding employment of blacks, women, homosexuals, ex-convicts and the

physically handicapped. As one might expect, overwhelming majorities opposed any discrimination in hiring. The poll then asked whether laws should be passed to ensure that each group gets "equal job rights," and again there was predominant support for such laws. Finally, the interview asked whether "extra consideration should be given" to each group "to make up for past job discrimination." Here, as in previous tests of public opinion, the response shifted dramatically. In four out of five cases—blacks, women, homosexuals, and ex-convicts—the sample came out overwhelmingly against "extra consideration." In the case of the physically handicapped the results were close, although even here a plurality of 48 to 46 percent were opposed.

Many Americans now believe that reforms designed to open opportunities to minorities have created "reverse discrimination." By a margin of over three-to-two, Americans rejected the notion that minorities still face job discrimination. In a Yankelovich survey earlier this year, 44 percent agreed that "a pattern of reverse discrimination is emerging, where non-minority workers are receiving less than fair treatment," and that this is becoming "a serious problem." An additional 36 percent called reverse discrimination "a minor problem," while only 13 percent said that it was "no real problem."

It is interesting to compare the attitudes of the general population with those of leadership and elite groups. In 1976, *The Washington Post* and the Harvard Center for International Affairs surveyed nine such groups. They were given a spectrum of options ranging from quotas to selection "strictly on merit." A majority of civil rights and feminist leaders endorsed positions favorable to quotas (74 and 53 percent, respectively). Democratic Party officials were divided, with 39 percent, the plurality, favoring merit, 30 percent in favor of quotas, and 31 percent in between the two positions. All other groups showed large majorities choosing "merit" and rejecting quotas.

Republican officials favored the merit principle 82 to 4 percent; business and farm leaders favored merit by about 80 to 10 percent; intellectuals and media representatives by about 65 to 20 percent; and even students favored merit, by 54 to 30 percent.

Many college faculty members appear to feel differently about affirmative action principles, depending on whether they're being applied to admissions policies or to faculty hiring practices. In 1969, 40 percent of a national faculty sample agreed that "more minority-group undergraduates should be admitted here even if it means relaxing normal academic standards of admission." When the topic was changed to faculty hiring practices, however, agreement fell to only 21 percent. By 1975, the proportion supporting affirmative action in admissions had risen to 62 percent. Support of affirmative action in faculty hiring had risen to only 34.5 percent. Only one in five faculty members felt that "there is serious underrepresentation, and preferential treatment in the recruitment process is needed to correct this problem."

Thus one finds a striking degree of consensus against quotas and special preference, even among groups usually marked by a strong commitment to liberal values—students, faculty members, and self-described liberals. George Gallup remarked on the results of his 1977 inquiry. "Rarely has public opinion, particularly on such a controversial issue, been as united as it is over this question." But the conclusive rejection of preferential treatment does not carry over to a rejection of compensatory action. Americans support strict adherence to meritocratic standards, but will countenance programs that help bring "disadvantaged" groups up to the level set by those standards.

Seymour Martin Lipset
William Schneider

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Too Casual Diplomacy

Jimmy Carter's is a casual presidency, and that may be one of his graces. But Carter is not content to be casual in style. He is casual also—which does not mean that he cannot be decisive or even stubborn—in the making of policy: casual in his estimate of Soviet intentions, casual in his reading of history and his efforts to understand national character, casual with the meanings of words, casual also with his own moral and political commitments and with the sober undertakings of the US government. And he is ever so casual, offhand in fact, about the life and death concerns of other people and other nations.

There might be other explanations, like sheer indecency or mindlessness, for this administration's retreat from what George Kennan has called "our commitment to ourselves" in the Arab-Israeli dispute. But casualness is what really seems to fit the bill. For in the early morning hours last Wednesday, after meetings with Israeli Foreign Minister Moshe Dayan and Ambassador Simcha Dinitz, President Carter and his blithe, almost airily vague Secretary of State made a hasty and graceless about-face from the Soviet-US declaration of four days earlier, which had culminated months of stray *obiter dicta* on the Middle East. Of course, we should be grateful that the administration has, or seems to have, turned away from the disaster it was planning in Geneva. But it turned only in response to signs of an angry rising in Congress, an emerging popular uproar in the country, and nearly unanimous press criticism of its stunning march towards the PLO, in rhythms conducted by the Russians. Even the *Washington Post*, which can muster much enthusiasm for putting Israel at peril, found this tack too much.

This joint statement stunned Americans primarily because it undermined one of the signal achievements of Henry Kissinger's Middle East strategy: he had significantly diminished Soviet sway in the area. And here were his successors inviting the Russians back as major actors in the diplomatic drama, perhaps even prepared to invite their troops in to police its results. What reasons has our government to trust that the Soviets have reformed after a quarter century of provocation and mischief in the Middle East? On this there is silence. Surely the US has not suddenly become sanguine about Moscow's aspirations in the eastern Mediterranean and at the horn of Africa. How then could we countenance the schizophrenic policy of bolstering Iran, Saudi Arabia and especially Egypt against the influence of the Soviets while installing that influence in the part of the region most vulnerable to it? It simply makes no sense. The USSR is without *bona fides* as a mediator. For over a decade it has maintained no relations with Israel. Rather, it has directed the effort to quarantine the Jewish state in international forums. The Israelis, with good reason, will have little faith in

any arrangement to which the Russians are pivotal.

The agreement between the Kremlin and Washington reads like a treasury of traditional Soviet circumlocutions on the Middle East. The Russians got all and gave nothing. The beckoning of the Russians and the relentless pressure on Israel derives from Carter's mania to get to Geneva before December 1977. But what kind of a goal is that anyway? Apparently the Middle East must be rushed through so attention can then be turned to Ulster, southern Africa and the other world troublespots which Carter and Ambassador Young have on their agenda?

The immediate stumbling block to reconvening Geneva was the problem of Palestinian representation: Israel will not go to Geneva with the PLO. Syria will not go without it. Egypt, having profited from the last Geneva round and knowing that just about all of the Sinai would be returned at the next, is eager to go to Geneva with or without the PLO. Jordan also, is more than willing to do so. And so just to keep President Assad in the game, President Carter has engaged in a series of humiliating steps which also undercut Sadat and Hussein.

As a presidential candidate Jimmy Carter was quite explicit about the PLO:

"As President, I would never force Israel to give up control of the Golan Heights to the Syrians, nor would I recognize the Palestinian Liberation Organization or any other group purporting to represent the Palestinians when those organizations refuse to recognize Israel's right to exist in peace."

And, "The PLO is not the group to deal with in solving the Palestinian problem. The PLO is an alliance of guerrilla organizations, not a government in exile. The PLO is unrepresentative of the Palestinian problem. The PLO should not participate as an equal partner in any resumed Geneva peace conference because the PLO's stated aims are diametrically opposed to any peace which envisions the continued existence of Israel."

In February, before his first trip to Middle Eastern capitals, Vance enunciated a test of whether the PLO might participate in negotiations. "As long as they stand by the [PLO chartering] covenant and refuse to accept Security Council Resolutions 242 and 388, this provides no basis for negotiations." Not an unreasonable demand, since that covenant was a hair-raising call to *Jihad* against the Jewish presence in the Holy Land. Our government was receiving signals that the PLO was about to take the first step to moderation, so there was hope that the story might have a happy ending. But the PLO has a way of disappointing its own self-designated signal bearers. Meeting in Cairo in March, the Palestine National Council declined to alter so much as a comma in the covenant.

But the hopeful signs kept on appearing, and the Carter administration reduced its expectations. The Saudis told Carter that the PLO was willing to accept

Resolution 242 which, everyone then began to say, was tantamount to recognizing Israel. So we forgot about amending the covenant. In August the PLO met once more. It did not and would not accept Resolution 242. Its spokesman Abdel Mohsen Abu Meizer said there was no reason for the PLO to accept Resolution 242. "Sooner or later the United States will recognize us. It is just a matter of time and we can wait."

It seemed that they would not have to wait long. Any concession that Carter couldn't win from the Arabs he pressed Israel to compensate for instead. Our government is committed in writing not to recognize or deal with the PLO unless it recognizes Israel's right to exist and accepts the relevant Security Council resolutions. The UN document convening the first Geneva conference requires the agreement of all the initial participants to any changes in the format of peace negotiations. The US also has pledged to insure that negotiations between the Arabs and Israel will be bilateral. On this point, nonetheless, the Israelis gave in to American pressure: they would sit with a pan-Arab delegation which could include Palestinians whose political credentials would not be inordinately scrutinized. None of this was enough for the PLO, nor for that matter for Carter. But by the beginning of October the President seemed prepared to accept the most grudging and transparent verbal formula from the PLO as meeting his conditions for their role in the peace talks. The President was simply waiting for the words. He already had reassured reporters that "the PLO's past public statements won't be permanently binding on them." (One shrewd observer noted that this tells us more about Carter's character than it does about the PLO's.)

But words are not what really matter in the Arab world. Historical commitment matters. And there is no cosmetic language that should persuade anyone but the most gullible or the most willful that the historical commitments of the Arab ultras are different from what they have been. Commenting on the quite minimal gesture President Carter wants from the PLO, its spokesman told the Dutch *Haagshe Courant* only a few days ago, "The Americans must think we have become crazy. . . . The PLO is not just an institution. The PLO is an idea."

So when Israel refuses to sit with the PLO it is not simply being finicky about whom it was willing to break bread with. If the PLO joins the conference, it is unlikely to emerge without something like a state in its hands. Without that outcome, we already are somberly assured, there will be no peace. It's similar to what the world was told in 1938: that unless Hitler had his way in the Sudetenland there would be no peace. There is nothing, however, to suggest that the PLO actually would be satisfied with the West Bank as anything more than a base for a further revanche—across the river towards Jordan, across Israel towards the sea.

"The legitimate rights of the Palestinians" is a commodious and capacious phrase, and when we were led a fortnight ago by the Russians into making it our own we were betraying both Israel and ourselves. The Soviet interest is demonstrably not that of peace, and the PLO has identified its interests with that of the Soviets. Yassir Arafat told the PLO newspaper *Filastin al-Thawara* on August 29 (in an interview which the American "papers of record" did not bother to report), "The Soviet Union is now our ally in our ongoing battle against our American imperialist enemies. The foiling of the American solution can now be guaranteed as a result of our own steadfastness and because of our alliance with the socialist camp." The PLO, Arafat said, "is determined to preserve and strengthen the alliance with the Soviet Union." These are the folks whom Jimmy Carter is eager to enthrone and who now, having been rescued from the debris they made of themselves in Lebanon, are cavalierly termed moderates.

Or with a state they'll surely turn moderate. Not really being sure of that, however, we provide "guarantees"—when at least three times already even American guarantees have proven themselves worthless. Jerusalem has been schooled to skepticism, as well it might be. In a statement hailed as good tidings, Egyptian Foreign Minister Ismail Fahmy inadvertently validated Israel's past policies. "What's new in the situation is that for the first time the Arab countries are willing to accept Israel as a Middle Eastern country to live in peace in this area, in secure borders, and these borders must be the international borders from 1967." If they were not willing to accept Israel before, when the Arabs were weaker, then surely the Israelis are entitled to go very slow and cautious in trusting their neighbors' conversions to peace.

The Arab definition of peace is not very reassuring. In an interview with the *New York Times* Syrian President Assad would not commit himself, as John Oakes reported, "to accept Israel's right to exist in the future." "Ask any Arab," Assad went on, "if he wants to see Israel disappear now, he'd say 'yes.'" And then as if wanting to be quite clear about what the future might hold with reference to Palestinian needs, he added, "The West Bank is 5000 kilometers which cannot absorb all of three million people, but the area of Israel is 20,000 kilometers, and it can."

None of this is intended to justify the Biblical visions declared as policies by the present Israeli government. And there is no reason why the US must support Israel's every definition of its security requirements. Not by a long shot. But Jimmy Carter should understand by now that the subject of discussion is not just one or another political issue but the survival of the State of Israel and the security of the Jewish people. And it has been shown once more that the American people know those stakes are too important to allow even our President to be casual or reckless with them.

Abortion Double Standard

If anyone in the family of Representative Henry J. Hyde should need an abortion, the federal government has arranged to have it taken care of without charge. Representative Hyde is covered by the federal employee Blue Cross-Blue Shield health insurance plan, which pays for 100 percent of the cost of any legal abortion performed for any reason. President Carter, Rosalynn Carter and Amy have the same benefit. So do HEW Secretary Joseph Califano and his family. Thanks to the government, none of these people needs to worry about suffering an unwanted pregnancy or back-alley butchery for lack of funds to pay for a competent doctor and decent hospital.

In fact, virtually every federal government employee is covered by a group insurance plan that pays for all or most of the cost of a legal abortion. The government pays for about 60 percent of the cost of this health protection, with the rest coming from the individual employee.

Some of these federal employees have been spending a lot of their working hours lately trying to deprive poor people, equally dependent on the government for their health care arrangements, of the abortion benefit they themselves enjoy. As of this writing, the Senate and the House have been unable to settle their differences over the extent of the abortion exclusion to be written into the 1978 HEW appropriation bill. The Senate wishes to permit abortions under Medicaid and other social service programs whenever the woman's life or health is threatened. The House feels this is too generous, and wants to restrict abortions to occasions when full-term pregnancy would threaten the woman's life. (It has agreed to permit "medical procedures" including dilation and curettage, as long as pregnancy has *not* been diagnosed.)

Last year's HEW bill actually contains this extreme restriction, known, after its most ardent congressional supporter, as the Hyde amendment. Until the Supreme Court indicated otherwise in June, most people assumed that the Hyde amendment was unconstitutional and therefore unenforceable. Now that it stands as a genuine threat, the Senate is making an admirable attempt to temper its harshness. Meanwhile President Carter and Secretary Califano both are on record in favor of restricting medicaid abortions. If they find the "life or death" language of the Hyde amendment a bit extreme, they are not going out of their way to say so.

Unfortunately, this nasty little measure and all the misery it will cause won't even begin to achieve its symbolic purpose of getting the government out of the abortion business. Not only do government employee health plans cover abortions, the military is a major provider of abortions as well. The regulations governing military hospitals permit abortions to be per-

formed there on military personnel and their dependents, and on military retirees and their dependents (no joke, given the military's extravagant early retirement arrangements) "when medically indicated, or for reasons involving mental health"—the usual code words for "on demand." Furthermore, the military's own CHAMPUS insurance program for civilian medical care of dependents and retirees pays for about 75 percent of the cost of any legal abortion. The plan, as you might expect, is non-contributory, meaning that the government pays the whole premium.

If Carter, Califano and Hyde feel that the government has blood on its hands because of its payment for abortions, why don't they do something about these federal employee health plans and military arrangements? The answer is simple: they wouldn't dare. Federal employees and their families, military personnel and veterans are simply too politically powerful to be denied what most Americans now consider to be a basic health care requirement. Poor people, on the other hand, make the ideal sacrificial victims to pacify the rabid right-to-life campaign. Rarely has the class bias of government policy been more vividly on display.

Field Goals and Affirmative Action

Since the days of Camelot, when the Kennedys played it on the White House lawn, touch football has been part of the rites of autumn in the nation's capital. Naturally, the competition is organized. The Capitol Hill Football League includes about 35 teams from departments, agencies and congressional offices. Congress has exempted itself from harsh rules against employment discrimination, but this year the Capitol Hill football league commissioners handed down a stern list of affirmative action requirements. Every nine-person team must have at least four women on the field at all times. At the line of scrimmage, women must line-up opposite other women, because, logically enough, women may be blocked only by other women. You get four plays to make a first down, but on at least one of those plays, either a run or a pass, the ball must be advanced by a woman. If you eke out the necessary yardage but a woman has not advanced the football, you surrender the ball to your opponents. And it's not enough to try: if a woman drops a pass—tough luck, the team gets no credit for the good-faith effort. In this league, standards are strict and goals and timetables must be met. By the way, it is permissible for women to rush the quarterback, and racially imbalanced teams are OK. Watch this space for a report on what affirmative action does for the rites of spring.

Letting Off Gas

The Senate last week cast itself in the role of a crusader for freedom, voting 50 to 46 to rescue the oil companies from the brutes who would like to keep the price of natural gas under federal control. President Carter's energy plan is now before the Senate. As each plank comes up, the senators declare their love of country, free enterprise and the profit incentive, then turn aside to do a little destructive work. Carter's proposal to reform utility rates has been scuttled. The gas price control section is gone. And next the conservation tax on oil may be scrapped. The net result will not be to create a free and competitive energy industry in the US, but to remove the few constraints that now prevent American fuel companies from charging monopolistic rates. If made law, the Senate's changes would be highly inflationary. Carter may decide that his plan has been irreparably damaged, that it would be better to have no bill than one that would permit home heating costs to soar. If that happens the President will surely let the Senate take credit for the job it has done.

White House Watch

Carter's Brief

At a press conference on September 19, after the Carter administration's written argument for strong "affirmative action" and against "rigid exclusionary quotas" in favor of black and other racial minorities had been filed with the US Supreme Court, a reporter riled Attorney General Griffin B. Bell by urging him to say whether the President had been "centrally involved" in preparing the Department of Justice brief. "What are you trying to do?" Bell snapped. "Do you want to know if the President wrote the brief? Let me answer that. He did not write the brief. I did not write the brief. Judge McCree and Drew Days wrote the brief. I have not written one word in the brief and neither has the President. That's all I can tell you about it."

The Attorney General and Solicitor General Wade H. McCree, Jr., who was with Bell at the press conference, and Assistant Attorney General Drew Days III, who wasn't there, could have told a lot more about it if they had wanted to. They didn't want to for several reasons. Chief Justice Warren E. Burger and Associate Justice Harry A. Blackmun had told McCree "in no uncertain terms," as a department attorney put it, that the entire court was offended and displeased by the numerous news leaks of early drafts of the brief. McCree was told

and reported to Bell that the justices felt the resultant uproar had subjected them to improper public pressure when they were about to hear oral arguments in a case (*The Regents of the University of California v Allan Bakke*) which could turn out to be the most important of its kind since racial segregation in public schools was found to be unconstitutional in 1954. Bell had that rebuke in mind when he said at the press conference that "we don't want to get into the contents of the brief . . . because we don't want to get crossed up with the Supreme Court and be accused of arguing our case before the media and the nation." In effect, they had already been accused of doing that.

Another reason for reticence was the fact that the development of the government's Bakke (pronounced "bucky") brief and the position it set forth involved a degree of presidential and White House staff intrusion into what is normally a Department of Justice function that is not unprecedented but was greater than the President's friend and fellow Georgian, Attorney General Bell, thought either necessary or proper. Bell did his best to conceal the extent of that intrusion from McCree, a believer in the tradition that Solicitors General should have all but complete independence in deciding which cases to argue and what to argue about them before the Supreme Court. Through a department press officer, McCree sent word to me on October 5 that he knew nothing about and had never seen a staff memorandum that was sent to Bell in early September and constituted the most explicit and extensive White House intervention in the preparatory process. If it be true as the inquirer is told that two of McCree's senior assistants, Frank H. Easterbrook and Deputy Solicitor General Lawrence G. Wallace, were more familiar than they wished to be with the contents of that memo, they must have joined Bell and his special assistant, Terrence (Terry) Adamson, in shielding McCree from all the facts of Bakke life.

Before getting into the sequence of Bakke events in Washington, I as a concerned layman offer two opinions. First, the central Carter position as it is stated in the filed brief seems to me to be clear, sufficient and right. It appears in this passage: "In our view, only one question should be finally resolved [by the Supreme Court] in the present posture of this case: whether a state university admissions program may take race into account to remedy the effects of societal discrimination. We submit that it may." Second, Nathan Lewin's assertion in this journal's October 1 issue that the filed brief is "an intellectually dubious political statement, camouflaged in legal language" misses the determining point. The determining point was and is that the government brief in this case, once it was decided to intervene in the case, had to be primarily a statement of presidential policy and therefore in essence a political statement reflecting some very strong, politically important attitudes and commitments. The President and the two attorneys on his staff who principally acted

for him in this matter, Stuart Eizenstat and Robert Lipshutz, were justified in intervening and insisting as they did that the brief accurately and adequately reflect Carter policy. Precisely because that policy is somewhat ambiguous, in the sense that it rests upon a fine and perhaps impractical distinction between the arithmetic "goals" implicit in affirmative action and fixed arithmetic "quotas," the brief had to be somewhat ambiguous—"intellectually dubious," if you like. It could hardly reflect the policy and be the legally impeccable document that Bell, McCree and attorneys involved in drafting it would have liked to produce.

Now to the evolution of the Bakke brief, with a disclaimer. No reporter could know all that happens in such a process; "inside stories" that pretend to such knowledge are invariably phoney in some degree. Here, without further qualification and without claim of total knowledge, is the gist of what I've heard from believable participants in the Bakke process after the problem arrived in Washington with the University of California's appeal of a California Supreme Court decision to the US Supreme Court. The state court had ruled that a university medical schools special admissions program setting aside 16 of 100 first-year slots for "disadvantaged" minority applicants violated the US constitution because it gave non-whites an advantage over white applicants.

The Washington story begins February 22. On that day the Supreme Court agreed to hear the appeal while two University of California attorneys, Paul Mishkin and Archibald Cox, the Watergate prosecutor who was fired by Richard Nixon in 1973, were conferring at the Justice department with McCree and Drew Days, the assistant attorney general in charge of the civil rights division. This first of many *ex parte* dealings between department and private attorneys in the Bakke case was customary and, in the accepted view, proper. Since the office was created by law in 1870, Solicitors General and their staffs have in principle been accessible to anyone with a valid interest in a case that might or already did involve the federal government at the appellate level.

Immediately after the Supreme Court accepted the California appeal, Days had his civil rights staff ask interested federal departments and agencies—HEW, Housing and Urban Development, Labor, the Equal Employment Opportunity Commission, the US Commission on Civil Rights among them—whether they thought the US government should intervene in the case as a friend of the court. Usually the Supreme Court invites the government to intervene in cases with an

obvious federal interest. For reasons unknown, the court did not invite federal intervention in *Bakke*. Over the next four months, all of the queried agencies advocated intervention. Days advocated it in May. Easterbrook, acting for the Solicitor General, advocated it soon afterward in a 45-page memo. Days, McCree and their senior assistants met with representatives of the consulted agencies in mid-June and agreed both upon intervention and generally upon the positions to be taken in the federal brief. It's maintained to this day at the Department of Justice that the basic positions taken in the final brief—for affirmative action, against fixed quotas—were agreed at that meeting in mid-June and were set forth in the many preliminary drafts that preceded the filed draft.

In keeping with department custom that the division most concerned with an issue drafts the first version of a federal brief, Days and two attorneys on the civil rights staff, Brian Landsbergh and Jessica Dunsay Silver, wrote the first Bakke draft. Days passed it to McCree, who assigned it to his assistant, Frank Easterbrook, for revision. It was substantially revised, more for form than for substance, and Easterbrook's first version was redrafted time and again after he submitted it to McCree and Days on August 24.

At around that time, the Carter White House staff stepped in. Rumors about the way the drafts were going had been floating around and agitating various groups, particularly black and other civil rights partisans, and had finally caught the attention of Carter assistants. They found it hard to get any information out of the Attorney General and sensed, if they were not told outright, that at that stage Solicitor General McCree and his assistants, particularly Easterbrook and Lawrence Wallace, didn't think it was any of their damn business. At this or perhaps a slightly later point—memories vary—the Carter assistant who continues to deny that he's the chief of the White House staff, Hamilton Jordan, told the President in urgent terms that Justice Department purists were putting him in the absurd position of being denied knowledge of a document that most certainly would be read as a statement of Carter policy on an extremely sensitive issue. Bell seemed to the Carter people to rely upon two arguments, neither of which sat well at the White House. He had good people working for him at Justice and they should be let alone, in compliance with tradition, to write the brief as they pleased. Second and importantly, it so happened that both Wade McCree and Drew Days were blacks—among the ranking black appointees of the Carter administration, in fact—and it therefore was inconceivable that any brief they produced and vouched for would be unacceptable to black and other civil rights groups.

Stuart Eizenstat, chief of the President's domestic policy staff, and Robert Lipshutz, the President's chief staff attorney, discussed the problem early in the last week of August. Both of them are attorneys from

Next Week:

Indira and Morarji

Atlanta and veterans of the Carter campaign. The upshot, presumably at Bell's reluctant order, was that Easterbrook and Wallace conferred at the White House with Eizenstat, Lipshutz and two senior attorneys on Lipshutz's staff, Margaret McKenna and Douglas Huron, a former Justice department lawyer. Eizenstat and Lipshutz felt that they got mighty little useful information at the meeting. Easterbrook and Wallace granted that the President had a right to make any contribution he wanted to make to the brief and to dictate the views expressed in the brief provided that he did it through the Attorney General and not directly to the Solicitor General. They also made it clear that they would deplore any substantial White House interference.

Bell on September 1 took the then current draft—he said later he thought but wasn't sure it was the department's seventh draft—to the White House and handed it to Carter in the presence of Eizenstat and Lipshutz. He said he'd read it, approved it and hadn't changed a word in it. He implied that he would be sorry if Carter or anybody else at the White House changed a word. He also said McCree had cautioned him to say that the draft was not final; work was still being done on it and some substantive changes might be made. Carter turned the draft over to Eizenstat and Lipshutz and told them to review it for him. Because Lipshutz was preoccupied with the problems of budget director Bert Lance, who was soon to resign but hadn't then, Eizenstat and Douglas Huron did the detailed review of the draft. Eizenstat thought it was an awful job and said so in a lengthy memo to Carter. The memo said the draft was badly organized, badly written and put together with dismally inadequate recognition that it would be read by lawyers and the public as a definitive statement of presidential policy. Most importantly of all, Eizenstat told Carter and Bell that fixed quotas were rejected in language that could be used against the federal government's many "affirmative action" programs for blacks, Chicanos, women, veterans, and the handicapped among other special groups. Eizenstat also argued that the trial and appellate record that had come up from the California courts was too thin to support the recommendation in the draft that the state supreme court order to admit Bakke to the medical school be affirmed while rejecting its basic finding that the special admissions program gave blacks and other racial minorities unconstitutional preference.

Eizenstat's critique was delivered to Bell's special assistant, Terry Adamson (who also is from Georgia). Adamson took it to Bell, who looked it over and said it had some good points. Adamson summarized "the good points" in a memo for McCree. If McCree's story that he never heard of the Eizenstat document is correct, Adamson obviously didn't tell the Solicitor General where the points came from. On September 9, another

draft taking some though not all of Eizenstat's views into account was delivered to Eizenstat by Adamson. It still didn't satisfy Eizenstat or anybody else at the White House. On September 10 McCree, visiting Detroit, telephoned to Adamson four points for relay to Bell and the White House. They essentially were that the brief should fully recognize the federal government's commitment to affirmative action and against fixed quotas and should assert in the clearest possible language that race should and constitutionally may be taken into account in setting goals for affirmative programs to benefit minorities. Adamson immediately telephoned McCree's points to Eizenstat, who said they seemed to him to be consistent with the President's policy and wishes. After that, according to White House and Justice Department accounts, the drafting of the final brief proceeded smoothly and, in comparison with the previous pace, rapidly.

At a Cabinet meeting on September 12 Carter told several members—particularly UN Ambassador Andrew Young, HEW Secretary Joseph Califano and HUD Secretary Patricia Harris—that they soon would find that their doubts that the brief would accurately reflect administration policy were unfounded. He said much the same thing to three members of the Congressional Black Caucus and ordered Bell to see them, too. Bell, McCree and Drew Days met with them. The Caucus eventually approved the filed brief, with mild reservations. Exasperated by rumors that Vice President Walter Mondale was losing influence with him, Carter in two extraordinary outbursts by telephone told Jack Nelson of the *Los Angeles Times* and Hedrick Smith of *The New York Times* that Mondale had done more than anybody else at the White House to alert him to the importance of the Bakke issue and the danger that the Bakke brief might not adequately reflect his policy. Mondale had a part in the alert operation—a part, incidentally, that McCree heard about only after Carter's remarks to Nelson and Smith were published. The Carter version became the official White House line, naturally. My impression remains that Stuart Eizenstat and Hamilton Jordan, acting for Carter, were the principal movers, shakers and intruders.

Eizenstat, Mondale, Bell and others assumed throughout the hassle that Carter had often asserted during his campaigns for nomination and election that he was for affirmative action and against quotas. For that if no other reason, they said, the brief would have to assert the same views. Nowhere in the "promises book" of Carter campaign commitments compiled by Eizenstat after the election is there a specific mention of affirmative action or quotas. At my request a White House press officer and Eizenstat's special assistant, Joanne Hurley, checked a computerized index of Carter's campaign pledges and didn't find a single reference in it to affirmative action and quotas.

John Osborne

A painful breakdown of the liberal consensus.

The War Inside the Jews

A Jewish telegram is said to be one that reads, "START WORRYING. LETTER FOLLOWS." American Jews have been worrying about affirmative action ever since its inception, for fear that somewhere in the inundation of news that was sure to follow, the dread word "quota" would appear. That fear surely has been a principal reason for the collapse of the once proud and productive alliance between Jews and blacks in this country. It took some time to crystallize. It took more time for Jewish organizations to set aside their nostalgia for earlier, simpler, more optimistic days and to share the fears the Jewish masses had felt from the first. Even now, affirmative action is not the target of organized Jewish attack; in fact, the principal Jewish organizations continue vigorously to endorse affirmative action programs. But as the distinction between affirmative action and quotas grows more blurred, the attention and energy of the Jewish community has shifted from support of the former to opposition to the latter.

Whatever the private convictions of Jews in this country, the public posture of the Jewish community always has been on the side of decency and compassion. When Lyndon Johnson said, back in 1965, that "we seek not just . . . equality as a right and a theory but equality as a fact and equality as a result," organized Jewish response was enthusiastic in its endorsement. Back then, the enemy was still Bull Connor and the redneck bigots. Those few Jews who hesitated, who were inclined to wonder how an open society committed to the merit system could insure "equality as a result," were drowned out by the massed chorus singing "We Shall Overcome," and hoping. Now, a dozen years later, any Jew who sides with the University of California in *Bakke* can find himself quite isolated from his co-religionists. Every Jewish organization that has filed an *amicus* brief in *Bakke* has come down on Allan Bakke's side, against the University of California, against the "use of race in the decision-making process of governmental agencies." The American Jewish Congress and the American Jewish Committee (together with others) have filed a joint *amicus* brief asserting that the introduction of racial quotas into public policies is "factually, educationally and psychologically unsound, legally and constitutionally erroneous and profoundly damaging to the fabric of American Society."

In short, a clear and uninhibited consensus apparent-

ly has emerged among American Jews, and it is a consensus quite contrary to the spirit of inspiring alliance between Jews and other excluded minorities that came so sadly unglued in the late 1960s. Jews, like blacks, have come to see the *Bakke* case as absolutely critical to the future of their groups and of the nation. But they see it very differently.

It is true, of course, that Jews have a special affinity for the merit system. No group has benefited more dramatically or more comprehensively from that system. And no sector of merit-based society has been more fertile for the Jews than higher education—professional schools in particular. How, then, shall Jews be expected to feel now that they may be forced to say, "my son, the doctor—except that there were one hundred places in the medical school, and he was 85th in the applicant pool, and 16 places have been reserved for the disadvantaged"? Exclusion of Jews goes back a very long way, and the story of Jewish success—still not fully believed, not fully trusted, never taken for granted—is the story of a society forced by law and sometimes by enlightenment to ignore Jewishness, to accept faceless and religionless and cultureless and raceless test takers from the top down.

Now come the blacks and the others and say, "Pay attention to our color!" And almost nothing in the Jewish experience has prepared Jews, despite their desire for decency, to accommodate to this strange and evidently subversive demand. Perhaps it would be different if only bricklayers and plumbers were affected, and not the professional occupations. But the combination of an assault on merit and a battleground for that assault that is so dear to Jews, challenges both Jewish principles and Jewish self.

The Jews have benefited from the merit system, and are therefore quite naturally inclined to defend it from subversion. But merit is not simply a passing form of social organization that Jews have seized upon because it has worked to their advantage. It is a profound element of the Jewish *weltanschauung*. If there is such a thing—heaven forbid!—as racial memory, merit is inscribed in the DNA that Jews carry and transmit. What the merit system did was to separate individual possibilities from group status. Given the historic status of the Jews, no single liberal reform could have mattered more, or played a larger role in the extraordinary mobility of Jews in recent years. The liberal democracies made a promise to the Jews. What they promised was that Jews would no longer be treated as Jews; that, for all public purposes, their Jewishness would be deemed irrelevant. In America, at least, that promise was kept, and the principal instrument by which it has been kept is the merit system.

It may seem a bit melodramatic to propose that Jews see, in the *Bakke* case, a betrayal of the American promise. After all, neither the minions of HEW nor the University of California propose that the group should replace the individual as the basis for legal standing.

They merely have proposed that individuals who belong to groups for whom merit did not work now be treated collectively, that their groupness be officially noticed. But the cumulative effect of a variety of bureaucratic regulations and judicial decisions sharing the same tendency have led the Jewish community to perceive an imminent threat, and *Bakke* has finally mobilized the Jewish community to oppose that threat.

There are at least three reasons why Jews perceive a threat in the readiness of the government to pay official attention to groupness. First, and most obviously, Jews recall all too well the other places—and the other times in this place—when such attention was primarily directed at excluding Jews. Even though this time the purpose is to include rather than to exclude, the sacrifice of universal principle in the name of particular amelioration is perceived as a very dangerous device. Principles that are abandoned for laudable reasons are not less abandoned than those that have been abandoned for malignant reasons. Once abandoned, who can say that baser purposes will not come to be pursued, where once the principles might have protected against such purposes?

Second, it has become apparent that for some to overcome, others will be required to undercome. In the heyday of the Great Society, everything seemed possible. Now we have begun to learn modesty. We are coming to understand that we cannot accommodate the aspirations of excluded minorities by an infinite expansion of the economy. Specifically, the allocation of scarce resources to predesignated groups means a shift of those resources away from the groups that traditionally have enjoyed them the most. Places in law schools and medical schools are such resources, and a shift means a shift away from Jews. Teaching positions in public schools and great universities, and in the helping professions generally, are such resources, and a shift means a shift away from Jews. Jews perceive such a shift as grossly unfair. Unlike many others, Jews rarely have objected to an expansion of possibility for the disadvantaged. Most have been prepared to pay higher taxes in order to subsidize such an expansion. Giving places to “minority” students and to the disadvantaged raised no problems for Jews, so long as there were enough places to accommodate all the others—including Jews—who also sought places. It is one thing to be asked to share your good fortune with another; when asked, Jews have, in the main, willingly responded. It is something very different to be asked to step aside while another is given the one turn at good fortune a non-expanding economy has to offer.

This sense of the unfairness of it all is further compounded by a Jewish feeling that of all the “advantaged” groups, Jews are themselves the least implicated in the historic injustice that has been visited upon blacks and others. Jews got here too late. When

they came, they behaved rather decently. Why should they now be made to participate in the payment of a societal debt they had so little part in generating? Why take members of this group, which still feels so keenly its own minority status, the fragility of its own so recent success, and suddenly lump it together with the “advantaged,” the complacent majority?

Third, the record so far offers little reason to believe that the critical distinction between affirmative action and quotas can be sustained for very long. So far, at least, the Jewish community has sought to insist upon the distinction, to make clear that its opposition to quotas is coupled with support for affirmative action. But most Jews, quite likely, have grown somewhat skeptical. Unless the government can offer plausible reassurance that the distinction is understood and will be preserved, the current opposition to quotas probably will grow to encompass affirmative action as well. Such reassurance may be impossible. The distinction between goals and quotas is not an easy distinction to grasp and, legislative language, bureaucratic management and judicial interpretation of affirmative action programs conspire to suggest that the ambiguities may be inherent in the subject rather than a consequence of muddled thinking. Any effort to become more precise may show quite directly that the distinction breaks down, that quotas are necessarily implied by affirmative action programs.

And quotas, and Jewish fear of quotas, are the heart of the matter. Here we arrive at the intersection of self-interest, self-image and fundamental perceptions of equity.

Self-interest. Jews are a shade under three percent of the population of this country. For a variety of reasons—cultural predilection, historic opportunity, geographic distribution, whatever—they are extravagantly overrepresented in certain sectors of the economy, equally underrepresented in others. Once a quota system is introduced, by the front door or the back, how many groups will seek protection under its shelter? Who is to say that the process will be halted before it is proposed, or before the logic of the numbers insists, that Jews cannot have more than 2.7 percent of the places in any sector of the society?

Self-image. Jews know that there *is* such a thing as group culture, and that the culture of the group—for better, for worse—makes the goal of integration as it is sometimes understood a totalitarian goal. One definition of integration is a condition in which members of every group are randomly distributed throughout the economy. Under such circumstances, one would expect to find that the proportion of any particular group employed in any particular sector would be roughly equivalent to that group’s proportion in the general population. But such an assumption is tenable only if one assumes that group culture is trivial, that it does not predispose its bearers in particular directions. Given a heterogeneous society, given groups that

matter to their members, it is clear that randomness cannot be achieved without massive government intervention, not only against bigotry and discrimination, but also against the very pluralism that is so often celebrated as one of America's strengths.

Equity. If it were proposed to replace merit with an open lottery system, Jews might find it difficult to object on grounds of fairness or justice. A lottery would represent a move toward genuine randomness. The move toward quotas instead, toward the institutionalization of groupness, appears to Jews to purchase social peace at the expense of social justice. It is absolutely critical to an understanding of the Jewish position on these matters to know that Jews, however reluctantly they have come to their present position, perceive themselves as defenders of justice and not as its betrayers in the name of narrow self-interest. For it has yet to be made clear, if ever it can be, how the move toward quotas accomplishes anything more than transferring disadvantage from one undeserving victim to another.

The organizing principle of liberal societies, as Jews understand it, is not hostility to groups, to subcultures, but a requirement that the mechanisms of the State are prohibited from noticing groupness. Once such notice begins to be paid, there is no end to the potential damage. The State that seeks to manage and manipulate the society can succeed only if it destroys liberty. State management of society is usually called totalitarianism. The role of the liberal State is to adjust the conflicting claims of those who defend liberty and those who insist on equality.

Most Jews, of course, do not debate social philosophy. Abstract notions of "the role of the State" are of far less interest than whether one's child will have a crack at the good things in life. The tragedy of affirmative action is that it now happens in a context of lost confidence that there are enough good things to go around. The potential for serious social conflict in such a situation is obvious. If the Jewish reaction is rather more sensitive to that potential than the reactions of others, that may well be because Jews have riper memories and greater fears of social conflict than others have. Against that background, the passionate desire of Jewish organizations is that the government will provide them some solid ground for continuing to make the case for affirmative action without opening themselves to the accusation that they are betraying Jewish interests, that some new wisdom will be dispensed to show how people who care about others and who care about social peace can express their concerns without destroying themselves, without betraying what their history has taught them is good for them—and right.

Leonard Fein

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The Logical Next Step

Race Certification

You belong to a "minority group" if you had at least one grandparent who was an American Indian, Alaskan native, Chinese, Indian, Japanese, Korean, Filipino, Mexican, Puerto Rican, Cuban, Central or South American, Samoan or who was of other Asian or Pacific island heritage, or "Spanish culture of origin" or of black African descent. You are in the majority if you had neither parent nor grandparent who was one of these. In this case, you are "white," being defined as "a person having origins in any of the original peoples of Europe, North Africa or the Middle East."

This may look like an arbitrary division of the world, but it's the way the federal government sees us. What the government sees is what counts, no matter how cockeyed its vision, because it makes the laws and, to an increasing degree, controls the money. The division of racial and ethnic groups described above comes from circular A-46 published by the Office of Management and Budget, revised and signed by Bert Lance on May 12, 1977. The memo established five categories for collecting uniform racial and ethnic data in the federal system. Lance's midsummer revision switched Indians of the subcontinent from the "white" category to "Asian." Because the bureaucratic brain in Washington, D.C. perceives reality only in terms of numbers, the way these categories are arranged has great influence on what the government sees and does. Every organization that does business with the government, whether it comes to take a grant, win a contract or obey a federal ruling, must adhere to the statistical norms if it wants to stay in Washington's good graces.

None of this would matter if the statisticians' outlook remained passive. But it is beginning to assert itself in policy decisions, with bad results. The trend is nowhere more painfully evident than in the enforcement of "affirmative action" plans.

Those who enforce affirmative action plans usually insist that they don't give outright preference to anyone because of race or sex. But when the pressure is on to meet a deadline or win a grant from the government, they appear to do just that. Los Angeles offers a current example. The city has been under pressure for several years to take some affirmative action not just in hiring and promoting but also in assigning its teachers to schools. The last is the most resented stipulation, because there are teachers in every category who would like to stay where they are. But to achieve statistical balance, blacks, whites, Hispanics and Orientals are being shuffled around the area so that every school will have roughly the same percentage of minority teachers—30 percent. To escape the shuffle, some uncooperative types identified themselves as being what they were not. A few

"minority" teachers turned "white," and more whites became minorities. Suddenly there were lots of American Indians. The school board, in exasperation, responded by creating "ethnic review committees."

Betty Gardin, a consultant to the Los Angeles Board of Education who helped develop the ethnic review plan, explained last week how it works. If a teacher's recent ethnic self-identification differs from the ethnic label in the school system's files, that teacher is made the subject of an ethnic "discrepancy report." These teachers are asked to come in for a special visit with the review committee. The committee is composed of "two members from the ethnicity that people want to change from and three from the group they wish to change to." Thus the more desirable group retains the majority power to screen out interlopers. After reviewing the personal documents, the committee holds a "kind of interview with the people when they are unable to provide verification of their lineage. They also have a conversation kind of thing with them in order to determine whether their switch is a valid one." Asked what documentation is required Ms. Gardin said, "any official document that indicates their racial or ethnic origin, as opposed to just their place of birth, because we all know that you can go anywhere and be born." Birth certificates, baptismal certificates, discharge papers, anything will do if it gives proof of at least one fourth of your racial ancestry. Everyone gets a day in court. In a sweet voice Ms. Gardin explained, "If we deny someone, and they feel that we have not seen everything . . . we offer them the opportunity to say 'I would like to come and talk with you about it and present additional information.' So we're not cutting off anybody without a chance to present their side of the case." Ms. Gardin is not amused by ethnic cheats: "We don't feel that people ought to be able to switch their identity in order to prevent certain things from happening to them." Some people, she added, are "very sensitive" about the whole business.

Los Angeles is not alone. Teachers in New York City who are being rehired this fall after layoffs last year receive their school assignments by lottery. But there are two separate boxes to draw from, one for minorities and another next to it for whites. Children in several Queens school districts are undergoing an integration shuffle this year, and some who listed themselves as blacks or Hispanic were suspected by school officials of having lied. They were asked to report to the board of education offices for visual confirmation.

These scattered instances of race certification may not amount to much, but they point to a major obstacle that may confront affirmative action plans in the future. Once the federal government gets into the business of certifying race, as it must to carry out plans it has already made, the crisis will come to a head.

One of the first agencies that might have to use ethnic certification is the Civil Service Commission. The Assistant Executive Director, Joseph Lowell, last

week explained why. The amended Equal Employment Opportunity Act outlaws any employee selection process, such as a written test, that tends to put minorities at a disadvantage. It has taken the government four and a half years to develop regulations to carry out the law, but now they are ready. The knotty question for the bureaucracy is not how to end discrimination, but rather, how to determine whether a particular test is discriminatory. In the past, the Civil Service Commission has not kept racial, ethnic or sex records on people who take the Civil Service test and fail to qualify for a job. Now it will have to get that data in order to tell whether a disproportionate number of the failed test-takers were women or members of an officially recognized minority group. The Commission has done some experiments in which the people administering the test have tried to guess *just the sex* of test-takers. When the guesses were matched against what people themselves claimed to be, the error rate proved high. So the Commission has given up on visual identification by an observer and now may have no alternative but to ask all test-takers and job applicants to identify themselves by race, sex and national origin. Furthermore, since many applications are taken by mail, it will probably require documentation. One assumes it will require what the ethnic review committees of Los Angeles require: proof of ancestry to at least one fourth.

The Commission sets the pace for personnel policies not only in the federal government, but in quasi-public institutions and large private companies as well. It is looking for a way out of the dilemma, so far without success. Perhaps everyone who wants to qualify for "minority" status will be expected to have an ethnic ID card. (No doubt a black market in these cards will develop.) With this turn, civil rights law will come full circle. The early battles were fought to remove racial and ethnic identifications from news stories, want ads, personnel files and application forms.

How did the government get into this mess? One important source of trouble is its unholy deference to statistics. It relies too often on numerical principles when dealing with the intimately human question of race. The problem is made worse by the fact that affirmative action really does give an advantage in some cases to people who qualify as "minority" types. There are incentives to get into one of the minority categories if you are unemployed, and in times of high unemployment there is an irresistible pressure to increase the number of categories. This is the ethnic pork-barrel.

According to the latest change in statistical categories, the "white" race includes all people whose origins were in Northern Europe, Northern Africa or the Middle East. But the statisticians do not claim that the people in this category are never discriminated against. An obvious flaw is that the category includes semitic people. And even if there were a separate

minority class labelled "semitic," would an Arab be satisfied if his quota were filled by a Jew, or vice versa? To correct this flaw, *two* new categories are needed. What about such Europeans as Greek-, Irish-, Italian-, Polish-, and Slavic-Americans? Are they adequately represented in the top ranks of government and industry? One justification given for affirmative action is that it is said to compensate the victims of past discrimination by rewarding their descendants with jobs in the present. Society must pay its debt. Many of the "white" ethnic groups listed above have been discriminated against in the past. Has the discrimination ended? Have the descendants been fully compensated? Who keeps the account?

These questions aren't as inane as they may seem. The government is contemplating new programs that would make it even more worthwhile than it is now to find a place in a minority category. The Federal Communications Commission, for example, will decide soon whether or not a certain percentage of broadcast stations should be "minority-owned." Since there is an upper limit on the number of stations that can be licensed in an area, the issue is genuine—genuine if you assume that wealth should be divided along racial lines. The National Association of Broadcasters has a task force trying to design a loan guarantee program to finance the acquisition of stations by minority groups. If special loans are to be given out on this basis, you can be sure that groups not labelled "minority" today will seek the label in the future.

Before the process of minority certification goes much further, people will wake up to the fact that it has less to do with ending racial discrimination than with achieving economic justice. The reason a simple ban on discrimination was not thought adequate in 1972 was that passive justice does nothing to redistribute accumulated wealth. Unless the distribution system is changed, as the song goes, the rich just get richer. Affirmative action was conceived as a way of giving the poorest Americans—blacks—a quick leg up in society. It would put them on the escalator to make up for their years of subjection. But now that the escalator has been switched on, other groups have jumped aboard.

Before building the escalator, the government might have developed, but didn't develop a clear idea of who would and would not be allowed to ride it. As a result of this failure, the machinery may be burdened with unexpected demands for access. If the escalator continues to work if it does what has been promised and rises into the high-salary skies, more people will climb aboard as "minorities" when it passes through their neighborhood. The late riders will ruin it for the truly poor.

In the end the government will have to choose one of two general solutions. It could cling to the ethnic allocation principle and create a new kind of feudal system in which the nation's wealth would be allocated according to affinity groups. The larger the group—so

long as it still qualified as a "minority"—the more jobs it could claim. Every minority member would carry an affinity ID card. Ethnic review courts would settle disputed identities, and the Supreme Court would deal with large questions like, "Can a person qualify as black if his only black relative was a grandmother listed in the official records as 'mulatto?'"

On the other hand the government might become race-blind, as it is supposed to be, and allocate wealth along more sensible lines. It would still outlaw discrimination. But in order to contribute positively to the well-being of the disadvantaged (of whatever race), it might undertake a massive job guarantee program. At the same time it could guarantee a minimum personal income. It could redistribute wealth from the upper half of the scale to the lower half more vigorously than it does today. For example, it could stipulate that the poorest man's income would be no less than one-half as large as the richest man's. That would accomplish the same end as affirmative action, but it would do so without provoking the deadly passions of racial enmity.

Eliot Marshall

Why the AFL-CIO hasn't filed a brief.

Unions Divided

AFL-CIO President George Meany puts the matter bluntly and briefly: "I don't know what the Supreme Court's going to do. Some of our unions take a pro-Bakke position and some oppose."

Usually the master of the run-on answer, Meany summarizes things just so in this instance. In the *Bakke* case, five unions have signed on a common *amicus curiae* brief defending the University of California's right to set aside a segment of each medical school class for blacks and other "approved minorities" as part of a proper plan of affirmative action. The five include the United Mineworkers, the Electrical Workers, the American Federation of State, County and Municipal Employees (AFSCME), the Farmworkers and the United Auto Workers (which is not part of the AFL-CIO). On the other side is the American Federation of Teachers (AFT) whose president, Albert Shanker, is an outspoken foe of "reverse discrimination," which he considers this case to be. The AFT has filed an *amicus* brief on the side of Allan Bakke. Although it often weighs in on litigation where decisions have some potential to spill over and affect the interests of labor, the AFL-CIO itself is silent on *Bakke*. That silence should not mask its underlying sentiment. Most of the unions and the federation hierarchy line up with Albert Shanker and Allan Bakke.

For the better part of two decades, the labor movement has joined with Jews, blacks and liberals in a pitched battle against racial discrimination in public accommodations, the voting booth, the workplace, schools and neighborhoods. This civil rights coalition, as it is widely known, has remapped the legal rights of black Americans and produced much of the progressive social legislation of the last generation. In the past few years, however, the focus has changed. With the legal barriers to equality mostly removed, the issue is now *remedies*: what obligations does society have to overcome the vestiges of past discrimination and assure genuine economic and social equality? The *Bakke* case deals squarely with remedies, and it has defined the boundary of common interest within the civil right coalition.

For many trade unions, *Bakke* represents another skirmish in a long-running battle to assure that governmentally enforceable standards of affirmative action are limited to "outreach" programs, not numerical goals and timetables. By now, blacks and unions have been on opposite sides of this issue in countless disputes and legal actions, and the labor movement is beginning to draw considerable fire from its old coalition partners. "Unions were a part of the civil rights coalition in the 1960s," says Ralph Smith, a leader of the National Conference of Black Lawyers. "They lost some of their zeal when it became clear that civil rights applied to labor unions as well." Smith dates the schism precisely to June 1969, with the Nixon administration's imposition of the Philadelphia Plan. Justified in terms of affirmative action, that program required federal contractors to work toward hiring a certain quota of minority employees on federal construction projects. A 1971 US appeals court decision upholding the goals and timetables applied in that plan stands today as the major direct test of affirmative action in employment, and looms as a major factor in *Bakke*.

Longtime NAACP labor director Herbert Hill, whose policies have inspired more than 10,000 equal opportunity legal actions, specified the black civil rights brief against the unions in a speech to the NAACP convention last June. The AFL-CIO, he concedes, was one of the major lobbying groups behind the original Equal Opportunity Act of 1964. But as its largest and most influential affiliates were repeatedly involved as defendants in costly and protracted litigation under Title VII of the civil rights act, the part relating to discrimination in employment, the federation became increasingly hostile. The major problems, Hill says, are segregated job classifications and separate seniority lines in union contracts. Hill lumps labor unions in with employers and the government as the major adversaries of black workers in the struggle to end occupational discrimination. "Instead of doing something about the problem," he says, "the leaders of

organized labor arranged for more meaningless civil rights resolutions and proclaimed their undying devotion to the principle of racial equality. More civil rights departments were established, more press releases issued, more pious statements distributed . . . and the same unions, year in and year out, continued to negotiate discriminatory labor agreements."

Hill contends that the AFL-CIO reveals its true colors in court, citing *amicus* briefs in employment discrimination cases (such as *Evans vs. United Airlines*) to demonstrate that the federation's primary commitment is to the white male worker. The AFL-CIO has thrown in with the Nixon court to gut Title VII, he charges. But Hill's brief ignores the many instances when the AFL-CIO has volunteered for further duty on civil rights battlefronts. In 1975, when the Massachusetts AFL-CIO endorsed the anti-busing efforts in Boston, which were then verging on violence, George Meany personally summoned the state's labor leadership to Washington and ordered the resolution rescinded. Then, when the NAACP was required by a Mississippi state court to post an appeal bond of \$1.5 million, the AFL-CIO volunteered to put up more than half the amount. When Meany is involved, he is a central force in the civil rights coalition.

The unions which openly or quietly back Allan Bakke's position in his case against the University of California do not take the position that our only societal obligation is to end overt discrimination and simply leave it at that. They endorse the concept of affirmative action so long as it is implemented through "outreach." Citing programs run by the Labor Department which have increased the number of minority apprentices in the craft industries from two percent in 1960 to 18 percent today, they claim that goals and timetables are needlessly divisive and self-defeating. For example, while opposing any program involving racial preference, the *amicus* filed by the American Federation of Teachers in *Bakke* advocates one of the broadest outreach programs imaginable: "Nothing could be simpler than to permit any graduate of any accredited state university to enroll in the medical school on the basis of a first year tryout. Unlimited remedial programs can be provided for those who are economically and/or educationally disadvantaged."

Trade unionists and their allies who oppose what they dub "reverse discrimination" warn that any court-imposed quota system for education or employment will guarantee further racial conflict in this country. As Albert Shanker puts it, "If quotas and other forms of racial preference are permitted to continue, they will foment a political backlash that may actually succeed in narrowing opportunities as the American people perceive new discrimination replacing the old."

The *amicus* brief supported by the Auto Workers, Electrical Workers, Mineworkers and others bears the signatures of longtime civil rights activists Marion

Wright Edelman and Joseph Rauh. Some of the leaders of those unions admit that the positions they're taking on *Bakke* may not square with the feelings of their own rank-and-file. "If we polled our membership on this one," says one official, "it would be 70-30 against us." Indeed, every available public opinion poll which includes breakdowns by union membership or families of union members indicates the same thing: trade unionists are more committed than the average American to the majority view about affirmative action; they support outreach (barely) but oppose special preference (strongly).

On these issues, union members have no difficulty whatever in applying abstract concepts to specific settings. Special preference means promotions that override established seniority systems, it means blacks and women getting hired first and laid-off last. That it merely reverses prevailing historical practice is not a factor in their views. Volunteers for atonement are no more numerous on the production line than anywhere else.

As Ralph Smith sees it, the division between union members and blacks over remedies owes in part to the union experience itself. Trade unionists have a more definite, perceptible notion of rights than the average citizen. "They're used to negotiating for their rights and evaluating their contracts at the workplace," he points out. "Their contracts include seniority rights and various other protections which they understand very well. They have a more concrete reaction to the notion of special treatment than most people."

Most of the unions that appear on the Edelman-Rauh brief are there exclusively by decisions of their international presidents who believe the labor movement has a commitment and a responsibility to civil rights, and who view the goals and timetables approach as necessary, if painful. They argue that the obligation of leadership is to lead, not to attempt to decide every issue by poll of the membership or justify every act by resolution of the convention. They also recognize the necessity not to be too far out front. Steve Schlossberg, general counsel to the UAW, recalls what an auto worker said during the 1960s when the late Walter Reuther was a prominent advocate of civil rights: "As long as Reuther doesn't lead a civil rights march on my block, I'm going to continue to vote for him." The remedy in *Bakke* strikes very close to home, and unionists who are standing by what remains of the civil rights coalition in this instance are reaping plenty of credit.

Bakke is billed as the Supreme Court's most significant civil rights decision in the past decade, and it probably presents the most difficult fact situation that the pro-civil rights litigants have ever faced. Indeed, many would have preferred that *Bakke* not be appealed to the Supreme Court. Blacks, too, have doubts about the constitutionality of quotas, and they expect the Court to require stern justification for the 16 spots set

aside by the university for minorities. Was this hard and fast (a quota), or flexible (a goal that just always happened to be met)? They hope that *Bakke* can be decided—as the Carter administration brief urges—on the narrowest possible grounds, and in a manner that preserves the principle of goals and timetables. They also recognize that whatever the outcome, it probably will apply to employment as well as education, and that if the Court decides this case on broader grounds, it could rule that the Constitution permits no race-sensitive standards whatever.

If *Bakke* indicates the strains within the civil rights coalition, the coalition's strengths are equally obvious when all the groups are pulling together on issues like busing, food stamps and the minimum wage. To be sure, things are not as cohesive as once they were. "We lost the AFL-CIO on *DeFunis* in 1974," Joe Rauh says. "This year it was the Jews on *Bakke*, and next year the problem will be with undocumented aliens. We can't always have a consensus, but we never shall if we're intolerant of the opposition when we're divided." In that sense, George Meany's ability to stay neutral on *Bakke* may prove an important investment in the future of the civil rights coalition.

Ken Bode

Secrets of success.

The Conspiracy of Merit

From their high perch, the Brahmins of merit view developments all around them with alarm. Society seems on the edge of abandoning its commitment to "equal opportunity." Desirable places in the social hierarchy no longer are automatically dispensed to people "on their merits." Well, why should they be? The notion of "merit" is invoked to justify not only the rules that determine who shall be blessed with various kinds of good fortune, but also the social decision to permit and even encourage vast disparities in individual fortunes. Yet the validity of merit as a social ordering principle rarely is examined. Having survived a fair number of society's ordeals of merit (like any other member of the educated elite), I think this country is in the grip of merit madness. This madness possesses four symptoms: an irrational belief that "merit," as commonly defined, is morally praiseworthy; a ludicrous overestimation of how rewarding merit contributes to national prosperity; blindness to the innate unfairness of the merit principle; and an underestimation of how recurring meritocratic ordeals corrode social life and the lives of individuals.

In its decision in the *Bakke* case, the Supreme Court of California expressed familiar sentiments when it refused to endorse racial quotas for medical school admission. To do so, the court wrote, "would call for the sacrifice of principle for the sake of dubious expediency and would represent a retreat in the struggle to assure that each man and woman shall be judged on the basis of individual merit alone, a struggle which has only lately achieved success in removing legal barriers to racial equality." Race, obviously, has nothing to do with merit. Therefore, it follows, race should have nothing to do with determining who gets society's goodies or positions of access to them. Likewise sex, religion, absence of physical handicap. None of these things are meritorious, and therefore none of them deserves to be rewarded with social advantage.

But how do the qualities we define as "merit" differ from these "unfair" advantages? Some are different. The meritocratic ordering principle, operating under laboratory conditions, rewards hard work, dedication to a given task, loyalty to a particular set of values. But it rewards even more intelligence, imagination, education, and a variety of other factors that are either genetic or instilled by environment at a very early age. Everything about the meritocratic system conspires to convince its beneficiaries that success is a function of moral worth, and therefore is justified by it. Some of the most desirable meritocratic plums—prizes, scholarships, etc.—serve no social function except the celebration of "merit" and the praise of those who have it. It is easy to believe—almost impossible not to believe—that worldly success in a meritocratic system is the just result of one's own endeavors. But surely these endeavors play a very small part in most worldly success stories. Or at least if I were about to begin the meritocratic struggle, and if I were told to choose either a generous dollop of innate advantages or the opportunity to exert myself without these, I have no doubt which aspect of "merit" I'd pick.

The apparent unfairness of a system that provides more of what everyone wants to some people than to others, even on the basis of "merit," is rationalized by the concept of "equal opportunity." If everyone has an equal opportunity to exercise merit in the service of ambition, justice has been satisfied and the inequality of result doesn't matter. The job of social reform, therefore, as meritocrats see it, is to eliminate all advantages *other than merit*. The common metaphor is a foot race. No competitor should have a head start or other "unfair" advantage. To be black is like running the race while chained to a ten-pound weight. You have heard all this before.

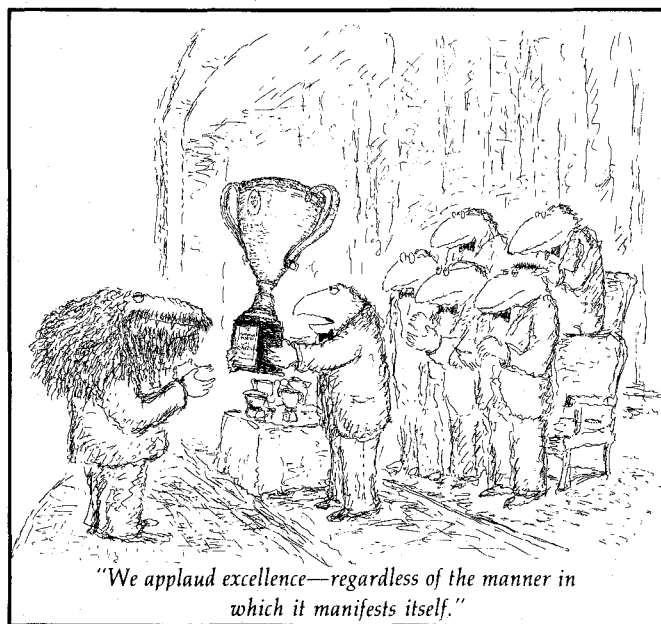
But in the attempt to create equal opportunity as a justification for meritocratic inequalities in result, the ideologues of merit are hoist on their own petard. One-by-one the list of officially disapproved handicaps grows: poverty, race, religion, sex, age, physical

handicap. Inevitably one wonders, Why not mental handicap? What about stupid people? If "equal opportunity" is what society guarantees to everyone, aren't stupid people as much entitled to it as smart ones? It is as arbitrary a piece of bad fortune to be born stupid as it is to be born poor or physically handicapped. Why should society go to great lengths to compensate for the one disadvantage, and ignore the other?

It appears that the pertinent innate differences between individuals can be divided into two categories. On the one hand there are "unfair advantages," and on the other hand there is "merit." Inequalities in the distribution of society's manna based on the former must be ruthlessly eliminated. Inequalities based on the latter are celebrated.

We are ruled by a conspiracy of merit. Those who have it get power, prestige, wealth; those who haven't don't. Those lacking the qualities called merit aren't likely to be able to challenge this system, and those blessed with these qualities aren't likely to want to. People who have risen through merit perpetuate and refine the meritocratic system, smug in the belief that its moral authority is sufficient to justify any degree of social hierarchy, and its mechanics are so refined that any deviation from meritocratic principles for whatever social purpose is self-evidently evil.

Of course there is an important second line of defense for meritocracy. Meritocracy may not be a moral imperative, but at least it is an instance of the general rule of economic efficiency that scarce resources—including human resources—should be priced at their marginal value to society. Rewarding merit assures that merit will exert itself to the maximum possible extent, and society as a whole will be enriched. Paying doctors extravagantly assures that society will have its choice of the most intelligent and dedicated people in selecting its doctors; admission to medical school is the occasion for this choice, and it



Drawing by Koren; © 1972 The New Yorker Magazine, Inc.

would be foolish to let the occasion slip by without asserting the principle of merit.

But this rule of economic efficiency, however correct and however important, is simply crushed under the weight of our psychological commitment to meritocracy. It cannot support this commitment. When the reward of merit is seen as something that serves the interest of society in general, rather than as something that is the *right* of the meritorious *individual*, it loses a lot of its moral force. It becomes harder to see why the principle of merit must never be sacrificed to other important social goals, such as integrating blacks and women into the high reaches of the economy. The principle has *no* force, except to the extent it actually does contribute to social efficiency. The traditional method of choosing among candidates for medical school, for example, clearly rewards the standard indices of merit—intelligence, determination, etc. But so what? The question is whether it produces the best doctors. Is each of the 100 students admitted to a class at the Davis Medical School going to be a better doctor than the 5000th candidate? The 500th? The 105th? In every common field of endeavor, the rhetoric of merit as moral worth disguises the crudeness of meritocratic principles as tools of social efficiency.

Furthermore, once we abandon the idea that merit itself *deserves* to be rewarded, it becomes impossible to justify on grounds of efficiency alone the enormous disparities in wealth and prestige that the meritocratic system perpetuates. Are these disparities really necessary to entice meritorious types into activities where their merit will do society the most good? A recent survey we took shows that the typical *New Republic* reader is a professional making \$34,000 a year. If the jobs of *New Republic* readers and writers carried the same salaries and cachet as those of the people who make their livings cleaning up after us, is it likely that very many of us would say “the hell with it” and pick up a broom? Is it really necessary to pay doctors five or more times the national average income, or would—say—only twice that figure be sufficient to entice enough qualified candidates into a profession they all claim on their med school application forms they are eager to join irrespective of money?

The concept of meritocracy and how it is supposed to work has evolved over the past 100 years. It strikes me as improbable that the meritocratic machinery as it

operates in the late 20th century actually does serve to direct talented people toward productive occupations. The obsession with rooting out, testing, certifying and rewarding merit may have exactly the opposite result.

The paths to success are much more highly structured and defined today than they were in the more fluid society of the 19th century. Success is coming more and more to consist of rising to the top of some bureaucratic hierarchy. Corporate leaders today did not found great industrial empires, they rose through them. The top lawyers are partners in huge law firms. Reaching these pinnacles, or even more modest peaks within a particular occupation, depends less on the direct application of personal merit and more on credentials—official certification that one possesses merit. Merit was once thought of as what people possessed who had gotten ahead. There was no need to define it with any precision, or to make official determinations of who had it and who didn't. Now it is defined as what you *need* to have in order to *qualify* for getting ahead. Once you are certified as having it, getting ahead is virtually assured.

Thus the determination of merit takes on the quality of self-fulfilling prophecy. Instead of a steady progress in which the wheels of the economy slowly but inexorably sift out merit and reward it, life is a series of officially administered meritocratic crisis points: school report cards, admissions tests, college grades, graduate school entrance exams, honor societies, professional qualification exams, prizes, interviews, promotions. On each occasion your merit is measured. If it is found sufficient, you pass on to the next meritocratic moment. Increasingly as you rise, your merit is measured by how many hurdles you already have jumped. The connection between the qualities being rewarded and the social goal allegedly being served by rewarding these qualities becomes weaker and weaker.

Inevitably this perpetual formal assessment and reward of merit discourages creative and ambitious people from careers that exploit their merit, and drives them into careers that merely confirm it. Instead of becoming inventors or entrepreneurs, they become lawyers or cogs in the corporate machine. The meritocratic process becomes an end in itself, consuming the energy and creativity that it is supposed to measure and then channel into activities where they can be most productive. Too much about today's meritocratic process encourages people to sublimate their own values and interests in order to engage in a Sisyphean struggle through one meritocratic ordeal after another in competition against their colleagues.

No one should be required to run a foot race chained to a ten-pound weight. But by the same token, no one should be required to run a foot race in which he is fatter or clumsier than his opponents. And why should life be like a foot race anyway?

Michael Kinsley

Henry Fairlie's deadly sins
will continue next week with
“Gluttony.”

The gentlemen who will decide the *Bakke* case know what it's like to run a highly selective admissions process.

Clerking for the Supremes

The group of three dozen or so young men and women who come to Washington every fall to serve as clerks to the justices of the United States Supreme Court form a sort of law school All-American team. Chosen from among the 28,000 students who graduate from law school each year, they are, in theory, the best young legal minds in the country.

True, clerking is not what it was in the golden age of Justice Oliver Wendell Holmes. For one thing, it was a smaller group then. Each justice had only one clerk and so the lucky nine who were selected formed an exclusive gentlemen's club. One was likely in those days to glance around and see such promising young colleagues as Dean Acheson, Alger Hiss, and Mark deWolfe Howe. Justice Frankfurter alone bequeathed to us the late Professor Alexander Bickel, former Secretary of Transportation William T. Coleman, Richard N. Goodwin and the ubiquitous Elliot L. Richardson. The Court was more respected then within the legal profession as well.

But even today, being selected to serve one year as a research aide to a Supreme Court Justice is the finishing touch on academic careers that are already topheavy with credentials. Each justice picks his own clerks. The method, timing and standards of selection are completely at his own discretion and completely private. So far, at least, no one has been rude enough to attempt to intrude the equal protection clause, the civil rights laws or the Freedom of Information Act into the justices' decisions on who their clerks will be each year.

Still, valid generalizations are not difficult. The typical clerk finishes at the top of his or her class in high school or prep school, then does the same at one of the more prestigious colleges. The clerk-to-be then gains admission, by virtue of a score of 700 or better on the Law School Admissions Test (LSAT) and a near-perfect grade point average, to one of the top law schools—preferably Harvard or Yale, which together contributed 13 of the 36 clerks for the 1976 term.

This last point is crucial, and suggests a tendency towards insularity in the selection process. There are about 100 applicants for each spot, and after a while it's difficult for even the most discriminating legal mind to distinguish between one Phi Beta Kappa and another. So he frequently turns for counsel to former clerks—who, coincidentally, often turn up as law professors at Harvard or Yale. And thus the sceptre is passed.

The young aspirant distinguishes himself from the

rest of his law school classmates by finishing, as is his wont, with the best or nearly the best grades in the class, thereby earning himself a spot on the school's law review. At Yale and some other law schools, admission to the law review is decided by a writing competition rather than by grades. At the end of the second year, he applies for a one-year clerkship—to begin at graduation more than a year later—with one of the prestigious federal district or appeals court judges. For this reason, the ultimate landing of a Supreme Court clerkship is known as "going up." Certain of these judges are known to be "feeders" for certain of the Supreme Court justices. For instance, Henry Friendly of the Second Circuit Court of Appeals sends many of his clerks to Justice Thurgood Marshall, while David Bazelon, chief justice of the Court of Appeals for the DC Circuit, is known as a feeder for Justice William Brennan.

The clerk-to-be applies to a Supreme Court justice in the spring of his third year. This particular element of timing provides an interesting insight into the method of clerk selection, and into the entire meritocratic process in the legal profession. Notice that at the time he applies for a Supreme Court clerkship, the aspirant has not even begun his or her clerkship in the lower court. There is no way for the clerk to know whether the job is a satisfying one worth extending, and no way for the justice to know whether the applicant is actually good at it. But both of these are irrelevant. The aspiring lawyer will no more reflect upon whether clerking will be enjoyable than he reflected upon whether taking the LSAT or writing the research note that got him on the law review were enjoyable. And the justice will rely on the same ever-lengthening list of paper credentials to which the clerkship itself will soon be added.

Along with an impressive resume, the applicant for a clerkship submits a couple of letters of recommendation, usually from law professors. These endorsements

The Meritocratic Moment

Merit is the abstract principle most often invoked to explain and justify the hierarchal nature of American society. One practical consequence is that the natural progress of individual lives, especially for members of the educated elite, features a series of "meritocratic moments"—occasions when the funnel of opportunity narrows and allegedly meritocratic principles are used to determine who shall pass through. Ideology aside, how do these meritocratic moments really work? Is "merit" the real basis of selection, or just a catchword? How accurate are the tools used to divine and reward the more meritorious candidate? What does merit consist of in a particular field—is it mostly innate factors beyond a person's control, or morally praiseworthy characteristics such as hard work and dedication, or just blind luck? How does a particular meritocratic moment fit into the pattern of such moments over the course of a career? This is the first in a series of articles examining the meritocratic machinery at work in a variety of real-life situations.

are equivalent to disqualification if they suggest that the candidate is anything less than the incarnation of Brandeis, and of course they are meaningless if they fail to suggest this. If the justice waits until fall to make his choices, which some do, he may contact the lower court judge for whom the applicant is clerking, and who has known the applicant for a few weeks at most.

The field is really narrowed down when the justice starts contacting his friends for suggestions. Where he will turn his attention is subject to personal quirk. Some justices like to recruit from the circuits they themselves rose from. Others, like Brennan, prefer to hire exclusively from the Ivies. Most justices conduct a brief interview with candidates from the narrowed field, sometimes by telephone, before making their final selection.

For most applicants, the path to the Supreme Court is clearly marked. One former clerk says, "The competitive character of law school incites that way of thinking—you get used to competing to be the best, and clerking is for the best of the best." Another analyzes clerking as a means of prolonging adolescence and postponing the start of well paying but tedious positions in firms. "Working as an associate is a pain in the ass," he says. "Supreme Court clerks are notorious for not facing up to post-clerking decisions. It's an avoidance syndrome."

Clerks are unanimous in their enthusiasm for the experience of serving justice. "It's an incredible experience for someone two years out of law school," one current clerk reports, "to be working with the men whose decisions you were studying for three years." And the clerk's tasks are indeed heady: the review of certiorari petitions (more or less deciding which cases the Court won't take), preparing justices for upcoming cases and the drafting of opinions after the arguments have been made. It's easy to understand how participation in the most important judicial decision-making in the country would make a future as an associate seem drab by comparison. But there may be another reason why Supreme Court clerks suffer from future shock. For some, the post-clerking decision is the first life option they ever really faced. Having spent 20 years or more accumulating chips, they must deal with the unnerving question of where to cash them in.

Relations between the clerks—those who have "made it"—take on a strange quality. All their lives they've been used to sizing up the competition and then beating it, only now it's not clear what else there is to compete for. Cliques develop along recreational and school lines, but there's no real camaraderie among the clerks. Impressing the justices as "the best" instinctively becomes the priority, even though there is no practical benefit to be gained by this.

Many people who have been involved with the Court believe that there is such a thing as a "great clerk," and there are perhaps about two or three of these every

year. The great clerk is distinguished by his instinct for the right argument. He knows a lot of law, is seldom frivolous and, explains one former clerk, "thinks better than the others." Another former clerk disagrees. "I've never known such a thing as a brilliant clerk. Some work harder than others, and that's about it."

All agree, however, that with the possible exception of a couple of geniuses, there's little distinction among clerks—or for that matter, between them and perhaps a hundred others who aren't selected. One of the most adamant defenders of the process concedes that "there may be people who don't have the credentials who could do it," but adds that "the people who do have the credentials definitely can do it."

The career of Gerard Lynch, a clerk to Justice Brennan during the 1976 term, is the epitome of the meritocratic ideal. The son of a New York aviation mechanic, Lynch excelled in parochial school, then graduated at the top of his class from Columbia and Yale Law School. (Lynch, incidentally, was the only clerk or clerk alumnus contacted willing to speak for attribution. The workings of the court are regarded as sacrosanct, and those wishing to move gracefully within its parameters are cautious to the point of paranoia about imparting any insights to outsiders.) But Horatio Alger stories like Lynch's are not typical. Most clerks come from professional families. Many of them have a parent who is a lawyer (including one president of the American Bar Association). Most, of course, are white males. Only three women served during the 1976 term, and no blacks. Until the 1974 term there had been only six women clerks; since then there have been 11.

Some clerks express the long-term ambition of returning to the Court as justices. Two former clerks—Rehnquist and White—have. But in the meantime the career choices for clerks are pretty mundane. A couple land jobs as special assistants to cabinet officers. About a quarter have spots on law school faculties waiting for them. And the rest pick and choose from among the many prestigious firms recruiting them for associate positions. Certain firms make a virtual fetish out of having clerk alumni among their associates. But it is a rare firm that will turn down a Supreme Court clerk who wishes to work for it.

Lynch, now an assistant professor of law at Columbia, suggests that the process of accruing credentials may be conducive to a certain mediocrity. "The individual who thinks a little differently, with an open mind to the creative argument, may be shot down along the way," Lynch says. Law school and law review tend to make people think and write—well, like lawyers.

Seth Kaplan

Seth Kaplan was an intern last summer at The New Republic.

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Arts and Lives

Stanley Kauffmann on films

Julia

(20th Century-Fox)

Julia is irresistible. Tears must flow. Mine certainly did. But this is not to say that it's really good. In fact, if it were really good, tears might flow less, perhaps not at all.

The script, taken from one chapter in *Pentimento*, Lillian Hellman's best book of memoirs, was written by Alvin Sargent, who wrote the screenplays of *The Sterile Cuckoo* and *Paper Moon*. It was directed by Fred Zinnemann, who made *The Nun's Story* and *A Man for All Seasons*. It was photographed by Douglas Slocombe, who did *Jesus Christ Superstar* and *The Great Gatsby*.

I detail these titles because they circumscribe the area in which this film resides, a nice, liberal, safe but not too demanding neighborhood. *Julia* is first-class middle-brow beautified film-making. Sargent adroitly trims the essentially tragic-heroic tonality of the material to make it heartache drama. Zinnemann, who has a particular skill in turning emotional taps, knows exactly what we cannot resist—the two girls of the story running across great fields or dancing dreamily in their nightgowns—and gets exactly what he needs from Slocombe's camera which, as ever, is like a soda fountain with an enormous number of delicious syrups to dispense, even in the grimmest scenes. It would need film-makers a lot clumsier than these to fumble this material. It's not fumbled; though it's not formula material, the slickest high-priced cinematic formulas are applied.

Hellman's chapter deals with a dear childhood friend, very rich, very brilliant, very high-spirited, who goes to Oxford in the early 1930s, then goes to Vienna to study medicine and arrives there just in time to be horrified by the Austrian Nazi *putsch* against leftists and Jews. Physically involved in resisting the outrages, Julia is seriously hurt—a leg is amputated. Interwoven with this story

is Hellman's own story, of life with Dashiell Hammett and of her progress as a playwright. In 1937 Hellman goes to Paris, en route to a theater festival in Moscow, and there is approached by a courier from Julia. Her friend is now in a group working to smuggle anti-Nazis out of Germany, and Hellman is asked to smuggle \$50,000 in, to help. Hellman agrees; reroutes herself to Moscow through Berlin, for a two-hour stay; delivers the money in a brief (and final) meeting with Julia; later gets the news of Julia's murder, goes to London to bring the ashes home, and searches for Julia's infant daughter, unsuccessfully, in Alsace. Well—and I certainly don't mean this cynically—if your throat isn't tight just from reading that gaunt synopsis, you are sterner than I.

The dramaturgic difficulty in making a script of all this, clearly faced by Zinnemann and Sargent, was that the more interesting woman by far is Julia but she could be on the screen very much less than Hellman. That difficulty didn't arise in the book because it was written by Hellman, it was *through* her that we saw her friend. The only way to duplicate this in film would have been to have had the film made—preferably by Hellman herself—with that literal, unsatisfactory method that Robert Montgomery used in *The Lady in the Lake*, the camera itself as "I". It's an inherent limitation in film, and in the theater, that the use of autobiography takes the narrator entirely out of the medium and makes him part of the message, makes him a character in his story instead of its locus.

To build up Hellman as a character, more material has been added about her own life, and some of it has been invented. For instance, Hellman says in her book that she did not herself go searching for Julia's baby, but the film has her doing it—and in all of Alsace,

instead of in Mulhouse which Julia had specified as the place where the child was being boarded. Most of the additions have to do with Hellman's life with Hammett and his blunt advice about her playwriting. It's impossible to make the act of writing interesting—it always comes down to the writer staring at the typewriter or stubbing out cigarettes or swigging a drink or tearing out sheets or tapping along with a faint pregnant smile. What saves the writing scenes here, and the reading-and-opinion scenes, is the fact that Jane Fonda is Hellman and Jason Robards is Hammett. They concentrate so hard and well, knowing that they are bucking every composer-and-teacher painter-and-master film ever made, that they legitimate the scenes, even if they can't really make them overwhelming.

Robards is crucial to this material. Hammett could have come off as a gruff smart-guy sage with some sort of magic shit-detector (Hemingway's phrase) that he condescendingly used on his young girlfriend's writing. Robards instead grinds a lot of things within himself, a lot of ingredients drawn from work and affection and rebuff, and just lets the quintessence seep through to the surface. In the shadow of the more emotional work in this picture, Robards' creative reticence could be underrated. (One element omitted from the writing of his part—as from Hellman's—is his politics.)

Fonda, not made up to look like Hellman but certainly looking less than her usual knockout self, always has a

Films Worth Seeing

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The Spy Who Loved Me. James Bond. For those in James Bondage, this is far from the worst.

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base-line of authenticity in her acting beneath which she simply cannot go—she is just too instinctually sound. But there are corners smudged in her performance here, lines not etched quite sharply enough, actions and reactions “told” us, rather than fulfilled. For instance, in her scenes with Julia’s courier in Paris—played agreeably by Maximilian Schell—I kept wondering about Hellman’s feelings, instead of feeling them. The stabs were missing: I saw only the knife flashes. Generally I felt I was watching Fonda work *toward* the part: I kept wishing that most scenes had been filmed about two weeks later.

Vanessa Redgrave is a divinity. If you think that legends about great actresses of the past are nothing but blather about the now-undisprovable, see Redgrave in virtually anything and you will see the stuff of those legends living and proved. Julia is far from a demanding role—for *her*—and you can see how she exceeds it, how easily she fills it with everything it was meant to hold and then, just as easily, makes it a bit bigger. Everything that is said about Julia, every attribute of generosity, brain, nobility, is so immediately true that love of Julia quickly replaces any questioning of Redgrave. Like most great actresses, her beauty is part of her talent: the first time we see Redgrave’s face, after some episodes with the two girls as children and teenagers, it’s like the sun after first light. To see Redgrave striding toward us from the distance under the arches of Oxford, her scholar’s gown swinging, is to see eccentricity made central, grace rendered with humor. The way she reads Herrick’s “Upon Julia’s Clothes” (in her book Hellman wrongly attributes

the poem to Donne) is shaped like a small antique enameled box. The scenes in the Vienna hospital, wrapped and wracked, the last scene in the Berlin café—they give a new shine to the word “genuine.”

I expected the casting of Fonda and Redgrave to be a wonderful match. It turns out to be a bit one-sided, not in contest but in art. Fonda, as I was early to say and still know, is exceptionally gifted; but here Redgrave cuts finer and goes further, even allowing for the fact that she has the better part.

A special line for John Glover who, in the small role of Sammy, a society cad, strikes a unique, insidious note.

The interweaving of past and present, by Zinnemann and his editor Walter Murch, is often touching but never in more than now-accepted modes of such interweaving. Zinnemann’s view of every shot is always exploitative of tradition, never original. I don’t mean that I’d like to see a lot of street-level shots of people walking toward us or that Zinnemann is cheap about his subject matter, simply that he always knows what has always been good in a certain situation and has done some of it himself and does it again here. (One shot, a locomotive steaming into a station with broken light hitting it at an angle, strongly suggests a shot in Sternberg’s *Shanghai Express*.) Slocombe is just the right cinematographer for his ambitions. Together they have all fabricated a lush filmic package for some good and some better acting. That very lushness, general and undifferentiated above the stark particularities of the historical facts, is what cradles us into a nice comfy cry, and keeps us safe from anything like tragedy.

Alfred Kazin on Edmund Wilson

A View From The Sixties

In a stained old Panama hat, the long white dress shirt that he wore everywhere—“I have only one way of dressing”—brown Bermuda shorts that bulged with his capacious middle, and carrying a handsome straight gold-topped cane that had been long in his family, Edmund Wilson, having been

driven by his wife Elena, now walked slowly, with some difficulty, along the edge of the great ocean beach at Wellfleet in Cape Cod. Finished with his long daily stint, he was now ready to look at Nature and have a talk.

The beach was full of interesting and notable people to talk to. There on the

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beach, any August afternoon in the mid-1960s, could be seen Arthur and Marian Schlesinger, Gilbert Seldes, Allen Tate and Isabella Gardner, Edwin and Vernietie O'Connor, Richard and Beatrice

notes on what it was like to live in the Kremlin.

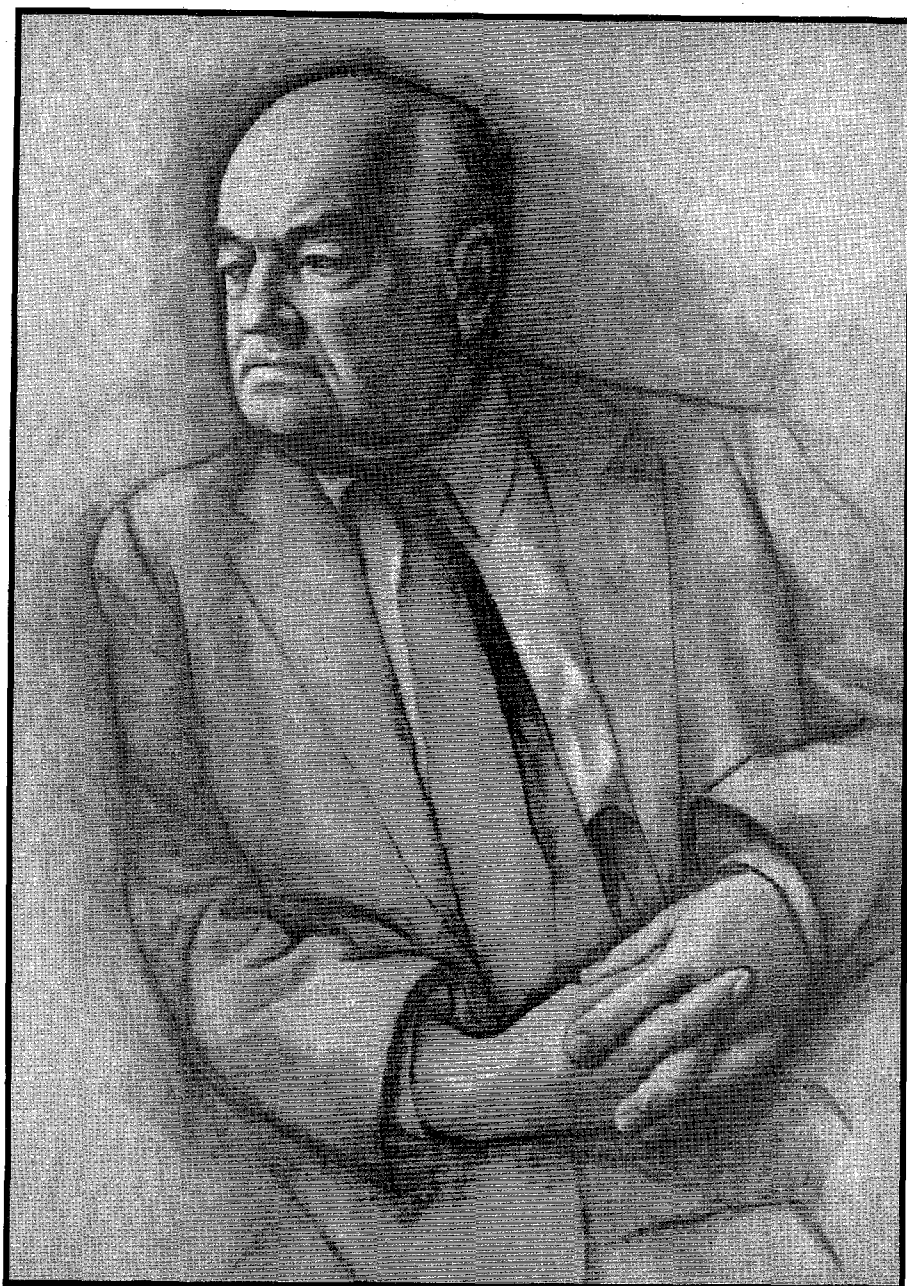
The beach was full of television producers, government and UN "advisers" from among the social scientists,

little sand hill. If you failed the number of times there were letters in *Schlesinger*, you had to pay a forfeit thought up at the last moment by O'Connor, but which invariably consisted in walking around some of the lesser discussion groups on the beach and mocking the Hungarian psychoanalyst and the graphic designer from Yale.

O'Connor enjoyed joshing "the heavy intellectual set"—there were so few other novelists about. But making fun of Schlesinger was not making fun of Jack Kennedy and the New Frontier. O'Connor could not have been prouder of his fellow "Irishman"; no one else on that beach mourned him so sincerely and was still enjoying the 1960s so much. In his first days in Wellfleet Ed O'Connor had gone about on a bicycle. *The Last Hurrah*, that successful and hilarious novel of the last great Irish politico in Boston, had made him rich. He now had a beautifully severe avant-garde house in the Wellfleet woods built for him by a haughty Russian-born architect who never arrived on the beach without two enormous, madly restive, threatening German shepherds who frightened everyone around while his master, who had an icy Oxford accent and the majesty of a Diaghilev, could be heard knocking down everyone else's political universe. From time to time he was an advanced liberal.

Wellfleet, just a few miles down from where Provincetown spread over the tip of the Cape, was not as famous for writers and rebellions as Provincetown. It had no rebellions and no rebels. Its first notable summer folk were architects and designers from the Bauhaus, its next psychoanalysts. By now it was distinctly, as the pretentious consort of a famous historian put it, *la plage des intellectuels*. It was indeed. By now there seemed to be a book for every day of American history. The universities and the mass media had joined in incessantly producing still more documentation of "just what makes us tick" and "our American heritage." Nothing "American" was alien to the incessant cultural analysts and psychohistorians, many of them of recent immigrant stock, who each summer in Wellfleet held seminars and read papers at each other, endlessly fascinated by the wealth of material to which they felt happily related by their newfound status as academic authorities and advisers to government.

Edmund Wilson, who lived in Wellfleet the year round, hated it in summer and called it "the fucking Riviera." Oddly, Wilson was one of the few "old



Edmund Wilson by Semyon Shimin

Courtesy of Esquire

Hofstadter, Robert and Betty Jean Lifton, Irving and Arien Howe, Harry and Elena Levin, Daniel and Janet Aaron. At times there could also be seen Stuart and Suzanne Hughes, Jason and Barbara Epstein, Philip and Maggie Roth, Marcel and Constance Breuer. Once there was a view of Svetlana, daughter of Stalin, accompanied by the Georgian writer Chacavadze, whose wife was a Romanoff and who herself often modestly made her way to the South Wellfleet Post Office to receive letters from her cousins in Buckingham Palace. It was said that Svetlana and Mrs. Chacavadze had even compared

psychohistorians, professors by the dozen—people all definitely "in." There was so much important, authoritative writing going on in Wellfleet that one professor's wife, trying to hush the neighborhood children, put her head out of the window and said pleadingly to them: "Professor X is writing a book review. I'm sure all your fathers and mothers have reviews to write too!" The children of another writer, left to themselves on the beach, were playing a game with a ball devised by the witty novelist Edwin O'Connor. It was called "Schlesinger," and consisted of trying to knock over a beer can propped up on a

radicals" in Wellfleet, along with his friend Charlie Walker, the old Greek scholar and labor historian. I had first seen Wilson in Provincetown in 1940; he was carefully bicycling to the Portuguese bakery. He bought his crazily ranging house in Wellfleet before the main Cape highway, Route 6, had been laid out past his door. That was long before "*la plage des intellectuels*" had settled into Wellfleet as a continuation of Cambridge, New Haven, The Institute for Advanced Study and the executive assistants' wing of the White House. I had met Wilson in 1942, when he was married to Mary McCarthy and already isolated from fashionable opinion by his obstinate isolationism. I had met him again in London, at the end of the war, at a great party given for him by the Ministry of Information when he was on his way to Italy and Greece as a roving correspondent for *The New Yorker*. He was still against the war, still bitterly suspicious of the English. True to his own British delight in being difficult, he was turning a cold face to the many writers who had come to pay him homage and amazed me by his appeal: "that we must stick together against these Limeys."

Wilson's arrival on the Wellfleet beach regularly caused a stir. A definite mental avidity and nervous unrest fixed itself around his bulky antique figure. He was so definitely not of this time, of these younger people, this academic set. The sight of him in his Panama hat and well-filled Bermuda shorts, the cane propped up in the sand like a sword in declaration of war, instantly brought out in me the mingled anxiety and hilarity that I used to feel watching Laurel and Hardy about to cross a precipice. There was much mischief, disdain and intellectual solemnity wrapped up behind that get-up, that high painfully distinct voice, that lonely proud face. His immense authority for everyone on this beach—especially among the literary professors who explained to their classes that Wilson was not "really a critic at all"—was clearly at odds with the too-elegant cane, the stains so carefully preserved on the Panama hat, the absurdly formal long white shirt sometimes flopping over the bulky stomach in the Bermuda shorts. He was a "character." The improbably loud high voice—like no other voice you would ever hear, it seemed such a deliberate effort—launched into a "topic" before the man had even sat down. It amused and amazed as much as it intimidated. He asserted himself just by making his stage

entrance onto what Thoreau, walking down here from Provincetown in all weathers, had in awe called "the great beach."

The ocean rolled and thundered. The sand shone. The cliffs of stark dunes overhead, green grass and tiny twisted shrub pine against the gold sand, gleamed with wild rose bushes. Our happiest times were here, at the edge of the land, the ocean, the dunes. Beyond "Joan's beach," where a wartime army hut had been moved as a summer cottage for a lady from New York and her painter boy friend, still stretched the outermost Cape, forever humming in your ears from the ocean, the emptiness of that long wild ocean beach where you could still contentedly walk, make love and skinny dip.

But "Joan's beach" was a riot. The great beach was replaced every afternoon by the great society. Each year Joan's weathered old beach hut sank more abjectly into the sand while around it rose the mercilessly stylized avant-garde house of a wealthy Leninist from Philadelphia. A leathery old man with a shaven head and showing off a powerful chest, a man who looked just as photographically virile as the old Picasso, walked with too emphatic strides to the

"nudies" beach. In the great clown tradition of the good old American summertime, pliant young girls in striped tank suits and Huck Finn country straw hats sat in the lotus position practicing Yoga. The ocean gamboled, young men dived into rollers and then hopped up and down in the water waiting for a wave to float them back to shore. Down the beach couples lay about open, free and friendly as if they had just made the happiest love. Red Japanese kites with long tails bobbed up and down as if wheeled by the screams of the children on the cliffs.

In the midst of all this Edmund Wilson was hoarsely at the center of everyone's attention, sometimes forced against his will into the usual gossip and polemic. He sat without ease, he scooped up a handful of sand and let it drift slowly through his half-clenched fist as people jumping out of the water gathered around him only to jump back into the water. So many staring giggling and deadly scrutinizers, guessing that he was "someone," made him nervous, but he unhappily sat on, unable to make his escape. So he talked. He talked as if reluctant to talk but was too stubborn to stop. He talked as if talking was a physical difficulty forced upon him by a

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DOUBLEDAY

¹Newsweek ²New York Times Book Review

disagreeable world. But it was one he had learned to use for his own purposes, and even with cunning in short, shy, killing observations. Then, looking back as if he had heard himself for the first time, he would throw his head back in a loud whinnying laugh.

He talked about what he was reading and writing. He talked as he wrote, from current preoccupations only. His talk was as formal as his writing. He invariably led off with a topic. He had been reading this new thing of Sartre's, and had to say that the fellow was not as big a windbag as he had been led to believe. He liked the man's big French radical schemes. This Allegro man and his brazen but not uninteresting guesses on the mysterious particles and practices of the Essenes. An irritable rejoinder to Gilbert Seldes, who had been telling a story about getting tight with T.S. Eliot in the '20s. Gilbert had the date wrong. A new book about our animal aggressive tradition. Everything the new young anthropologists were telling him he had known from Darwin. He was still a 19th century mechanist and materialist: "We must simply get along without religion." As for T.S. Eliot, he had the story in his notebook and the exact date. Had you by any chance looked into Swinburne's novels? The amusing structure of the Hungarian language, which he was just then learning? "My dear boy," he had greeted me on the beach the week before; "have I yet given you my lecture on Hungarian? No? Sit down and please listen." There was also this new book on magic. He was very proud of his magician's lore and often set out to do tricks that did not always succeed. He was too distracted. At my little daughter's birthday party one summer he came with his equipment and disappeared into the lean-to for newspapers he said he needed for his act. Time passed, no Edmund. We looked in and found him absorbedly reading the newspapers.

Everything alive to him was alive as words, had to find its exact finicky representation in every single trace of his experience and of his reading. Much of the day and often late into the night he sat in his great big study in the rambling old house just off Route 6. He sat there with the stuffed owl that he hated, with the sets of Scott and Dickens that had come down to him from Wilsons and Kimballs and Mathers like the gold-topped cane and the family pictures he could never stop studying. Just outside the study was the great Teubner set of the Latin and Greek

classics in their heavy-striped bindings. Inside the study were the books he used for each book, like the many-volume Michelet he had needed for *To The Finland Station*.

There were several desks in that study, and he moved from one to the other as he worked now on one book, now on another. He wrote always by hand, in his elegant and peremptory script, and there were as many projects going on at once in that study as in a Renaissance painter's atelier. Everything in the household revolved around his day's work and the regimen needed to accomplish it. He had his own record player in that room, his own bathroom just a few steps down from his study, his own bedroom when he wanted it in this separate suite of rooms. Out on Route 6 cars screeched on their way to and from Provincetown the pleasure place, girls with streaming hair bicycled past in halters and shorts. But inside the study that was deep inside the house off the main highway, Edmund Wilson, protected by his tall handsome European wife Elena, sat writing at one desk or another, reading in one language or another, eagerly waiting for Elena to bring the mail back so that he could get still more reading matter and letters to answer.

He lived to read and write. Each new language after the Latin and Greek, French and Italian he had learned at school, the Russian, German and Hebrew he had acquired mostly by himself, the Hungarian he was now so proud of, the Yiddish he typically attempted from grammars after he had learned the Hebrew alphabet, was a "love affair," he once said to me, with some subtle new syntax to love. He laughed at academic specialists with their proprietary talk of "my field," more usually in modern American "my area." One of his favorite antagonists was a famous scholar of comparative literature who was always pressing him to read Cervantes (Spanish for some reason never interested him). "Elena and I have been attempting *Don Quixote*," he once calculatedly told the famous prof, "and I have to admit that we find it just a mite dull." The prof "turned pale and stood up shaking. 'Harvard thinks differently!'"

Yet what Wilson wrote dealt so much with the plight of personality, his fascination with his own family, his need to involve himself with other people, that one could see even in his every sentence the extraordinary effort he put out, by words alone, to free himself from bookish solitude. Life was one elaborately constructed sentence after another,

and he had been sentenced to the sentence.

The formality of sentence structure even on the beach, like the aloofness of his manner even when you were drinking and gossiping with him in his own house, was like nothing any of us would ever see again. Ponderously shy, abrupt, exact and exacting, he was matter-of-fact in a style of old-fashioned American hardness. He could be massive, unyielding on the smallest matters. Why did I always feel that I had to shout in order to reach him? There was that famous distraction, the great bald dome thinking away, arranging its sentences, even as he talked to you. But of course he made no easy splash of talk to swim in, as the rest of us did at the many cocktail parties. To depart from the question he had set was to find yourself addressing questions to the air.

He was tyrannically correct with himself and officiously correct about everybody else. The correct word, the unquestionable historical detail, was a professional matter. Competence was the only right relation to others. He worked from fragments and etudes in his notebook; short flights were the natural span of his intellectual imagination. But he had also absorbed from his passion for grammar (and no doubt his long solitude; he was an only child with a deaf mother and a neurasthenic father) some unAmerican patience and thoroughness. He knew nothing else so well as how to make a book. He made books out of his intellectual satires against intellectuals, out of the light verse he sent his friends at Christmas, out of his *New Yorker* book reviews, out of his hatred of Robert Moses' highhanded urban renewal, out of his compassion for Indians, out of his typical belief (based on early holidays there) that Canada represented a better, uncorrupted, version of his own too big and too powerful country, out of his aversion to the endless bookkeeping forced on American taxpayers by the Internal Revenue Service. This somehow turned into a book against the Cold War.

Wilson made books out of virtually everything that crossed his mind. But certain subjects (especially American, 19th century, related to the Civil War and the Gilded Age) never just crossed that mind. They stayed there, decade after decade, to be used as articles after they had first been sketched in his notebook-journal. Then they got rewritten for his books and would be rewritten again for new editions of those books. What he knew, he knew; what he

read he remembered; what he had seen of San Diego or Jerusalem or Odessa stayed with him forever. No one else I knew had so much patience with his own writing, his own impressions, the stories he told and retold from notebook to article to book to the next meeting in his living room. He could recast his own writing—and yours—with the same air of easily inhabiting the world by words alone. No one else I knew had the same impulse to correct and rewrite everybody else. He once returned from lunch to *The New Yorker*, saw on someone else's table a proof of my review of *The Shores of Light*, and calmly changed a date in it. After reading a book in bed, "I often rewrite it in my sleep."

He could be hilarious in the retentiveness, the obstinacy of his intense personal relation to any book or subject that he liked very much or disliked very much. Discussing *The Scarlet Letter*, a book that as a literary modernist he easily disliked because it belonged to the old American schoolroom or too much to his own past (on his mother's side he was descended from the Puritan hierarchs, the Mathers), he was angrily asked by a young professor of "American Studies"—"May I ask when you last read the book?" "1915," Wilson said breezily.

Later, relaxed on the beach after the great crowd had gone to a cocktail party at a psychohistorian's (it was to begin as a memorial service on the anniversary of Hiroshima, and one could see trailing up from the beach a procession of shoeless intellectuals, the ladies in chic white outfits, carrying candles) Wilson was rosy with Scotch and full of his special belief in conspiracies. In the total jeremiad against the American state he was to write as preface to his wonderful book on the Civil War, *Patriotic Gore*, Wilson blithely accepted the historian, Charles A. Beard's dark suggestion that Pearl harbor was somehow fostered by F.D.R. himself: "... it has been argued, to me quite convincingly, that this act was foreseen by our government and—in order to make our antagonists strike the first blow—deliberately not forestalled at a time when a Japanese delegation was attempting to negotiate peace." Now, getting liberated as crowd, bottle and day dwindled, he said with the caustic smile he reserved for anxiously Americanized and patriotic Jewish intellectuals—"Bobby Kennedy knows who really killed his brother—and is not telling." "Edmund, you're going overboard the way you did in that preface!" He leaned back on a sandhill with perfect

confidence, "My dear boy, you mustn't discount my legal background."

"My legal background!" He meant Edmund Wilson, Sr., one of the best lawyers of his day in New Jersey, at one time attorney-general of the state, and though a Republican, invited by Woodrow Wilson to join his cabinet in 1913. Edmund Jr. seemed to trace his own tics, quirks and obsessions to his father, who was a passionate admirer of Lincoln the lawyer (the tragedy of Lincoln runs through *Patriotic Gore* as the tragedy of the superior man in America). The father identified with Lincoln the melancholic. Though a lawyer for the Pennsylvania Railroad and able to give his less finicky relatives advice about the stock market, Wilson Sr. would not buy a share of stock. He regarded such transactions as a form of gambling. Like many brilliant men of his generation, he regarded his own life as forfeit to the big-business spirit in America. He became a "nervous invalid," a total hypochondriac; his professional career yielded to his concern with his own symptoms. His mother, a heartier type, not "intellectual," went deaf under the strain of her husband's breakdown.

Edmund Wilson knew he was "odd," and was always looking into his ancestry for the sources of own obsessions as well as the intellectual interests plainly derived from the many preachers, lawyers, and doctors behind him. When I was briefly a professor at Amherst, he suddenly dropped in on me—by taxi all the way from Wellfleet—and wanted to look up the college records of his grandfather, Thaddeus Wilson, D. D., a Presbyterian minister whose old Hebrew grammar he now used himself. He wrote about his parents and grandparents—"The fact was that I knew almost nobody else. I knew they had their doubts about me, and that in order to prove myself I should have to show that a writer could become a successful professional." T.S. Matthews, who had known Wilson on *The New Republic*, liked to say that Wilson's parents had once bought him a baseball suit—but that he had gone on reading even after he had put on the the suit. As a writer he had indeed "proved" himself 40 years before with *Axel's Castle*. But despite his many books since and his long record of production, he had become with increasing insistence a kind of self-proclaimed outsider to the "America I see depicted in *Life* magazine." He liked in the 1960s to say, in the sight of so many "sophisticated" academicians, that "old fogeyism" was creeping in. He



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now made a point of stating—boasting?—of how little money he had accumulated. Thanks to his worrisome income-tax case, he was in financial trouble virtually to the very end of his life in 1972. *The Cold War and the Income Tax* was however a bit of political afterthought after he was nailed by the government for neglecting to pay his taxes. The truth seems to be that he was too distracted even to sign the returns that his wife prepared for them. But when the government attached much of his income and fined him severely, it became a point of defiance with him, as against the swollen crazily prosperous '60s, not to have amassed much money and to be, in the good old American style, "agin' the government." My friend Peter Shaw wrote that in the '60s every typical product of America (including the student rebellion) "lacked modesty of scale." Edmund Wilson was certainly not "modest"; but he did enjoy being out of scale with the rest of the country.

At several periods in his life, he noted in his journal, he had felt impelled to write protests against various officials of the United States government; he first wrote one as a sergeant in the A.E.F. Medical Corps! As if he were one of his own forbears, he now lived in two "old-fashioned country towns," Wellfleet, Mass. and Talcottville, New York; he depended on a small income from one of his few relatives who had gone into business; he did not drive a car or use a typewriter; he did not teach, give lectures, join honorary societies that asked to honor him. When he at last accepted the Emerson-Thoreau medal of the American Academy Of Arts and Sciences, he explained that he must refuse to make a speech and insisted on reading his translation of Pushkin's *The Bronze Horseman*. When he accepted the MacDowell medal, he terrified the chairman by rolling the medal between his palms to show that he could make it disappear.

He would not play the game. Every year he became ceremonially more difficult, seemingly more perverse, more alienated from what President Johnson blissfully called "the great society," from the endless American sociability, from the "successful career" that American writers strive for as thirstily as professors and oil executives. Of course he had authority, and how proudly he could use it. To ward off the many people who want something from a "name," he had a postcard printed up on which it was noted (with a check

against the appropriate box) that Edmund Wilson does not read manuscripts for strangers; does not write articles or books to order; does not write forewords or introductions; does not make statements for publicity purposes; does not do any kind of editorial work, judge literary contests, give interviews, broadcast or appear on television; does not answer questionnaires, contribute to or take part in symposia. And so on!

As the contrast deepened each year between Wilson and the America "I see depicted in *Life* magazine," his concern with right words and standards seemed to become more intense, his irritation with sloppiness and misuse even more pronounced, his sense of his own intellectual honor loftier and yet more anguished. The old radical was becoming the old curmudgeon.

Behind Wilson's ever more pressing urge to make order of his life by words, behind the obsessive journal-keeper feeding on the one book he never had to give up writing—a day as its own subject, its only expressive task—there was some patrician belief that through style everything, even in his disordered country, would yet fall into place. He had always been a fussy corrector of everything he read. Now the authority derived from his sound education, from his many books and almost "bewildering" interests, from being *Edmund Wilson*, became as necessary as the articulation of the bones to the movement of the body. This insistence on "correctness" as of a judge or minister or national leader in the days when a few solitary geniuses molded American culture—became basic to the sense of his role in American life. Let the younger and the newer stocks have their pretentious social science theories and academic careers and ridiculous "new criticism"; he was the last American man of letters, the great anachronism—and not without mischief.

Wilson now depended on "style" in an aristocratic-political sense more familiar to English universities and the House of Commons than to American intellectuals. He seemed to read the young writers with more attention than they read themselves, and loved to point out to a writer his misuse of a word or some error in detail. "Trotsky was not killed with a pickax but with an ice ax. You made the same mistake in your last book." Sometimes the pressure to write well was so grinding that, as one noticed when the notebooks began to come out, there was not a picture seen but just the effort to make one. Writers his too

concrete mind could not grasp—Blake, Kafka—he dismissed with a wave of his hand. What he understood he understood.

There was a kind of political majesty to all this. Behind the pressing personal urge to correctness, I saw the moral significance of "right words" to Wilson's class—the professional gentry of lawyers, preachers, educators, scientists, which from the time of New England's clerical oligarchs had remained the sustaining class of American intellectual life. Despite all these eager beavers from the "newer" stocks, the few figures with the most unquestioned influence still represented—and often in the person of Edmund Wilson himself—the old American clerisy. These were still the policy makers, where silly imitative "new critics" spoke haughtily of "irrelevant texture" in Shakespeare. Was the intellect in America to be banished to the new mass universities? The true thinkers were the policy makers behind the scenes who, no matter how many billions heaped up by the old robber barons they gave out as heads of the great foundations, were as detached as Henry Adams from the oily propaganda of American business.

Wilson thus seemed the one man of letters in the American tradition who still represented the traditional American caste of professional diplomats like George Kennan, judges like Oliver Wendell Holmes and Learned Hand, scholars who were lawgivers like Webster. No wonder that *Patriotic Gore*, our American Plutarch, ended on Justice Holmes, as it began with Harriet Beecher Stowe and that most superior intellect, Abraham Lincoln. Such men and women were "the capable," as Sinclair Lewis (a doctor's son) had admirably called the lonely doctors, philosophic lawyers and scientists who in their work resist the bitch goddess that William James (another doctor) had called American success. Though business ruled the roost and money was more important to everybody, it was "the capable," who came from a long tradition of professional concern, who still kept up for others the standards Edmund Wilson grew up with.

The chief expression all this took was the bitter polemical preface he wrote in 1962 to the long-delayed *Patriotic Gore*. It had taken him 15 years to put the book together from a lifetime of reading and absorption in the literature of the Civil War. In the summer of 1962 his bitterness against the American state took the form of a preface that was really an

effort to deny the love of the American past and his belief in American moral heroism that made the book itself so moving.

Like so much else in his work, *Patriotic Gore* also took off from family history. One of his earliest memories seems to have been seeing the original two-volume set of General Grant's memoirs, published by Mark Twain (and sold by subscription to all good Americans) as a service to the strange man who had crushed the South but had proved a disaster as President both to the nation and to himself. He left the White House bankrupt, cheated of his own money, and dying of throat cancer, and undertook the *Memoirs* at Mark Twain's urging in order to provide for his family.

Wilson, so deep in "all that Civil War stuff" that the enchanted reader could not help following him at every turn of the great narrative, nevertheless, opened the book with a preface that read as if it had been composed to drive off anyone who might still have the illusion that the Civil War was historically necessary. As if the title (from *Maryland My Maryland*) were not surly and sarcastic enough, Wilson compared the Northern "refusal to grant the South its independence" (certainly an unhistorical way of putting it) to the Soviet suppression in 1956 of the Hungarian revolt. The history of the United States was nothing but a big-power drive. The United States had been an aggressor against the Indians, against the Mexicans, against the South. "The institution of slavery, which the Northern states had by this time got rid of, thus supplied the militant Union North with the rabble-rousing moral issue which is necessary in every modern war to make the conflict appear as a melodrama. . . . The North's determination to preserve the Union was simply the form that the power drive now took."

"I am trying," Wilson claimed, "to remove the whole subject from the plane of morality and to give an objective account of the expansion of the United States." This was hardly Wilson's fore. The value of his book of course lay in its intense biographical method. Wilson was no more at ease in "objective" history than he was in removing any subject "from the plane of morality." His main text, so assiduous in tracing every detail of character and intelligence in his main figures, was full of the most obvious gratitude for what they had contributed to the eradication of slavery and the preservation of the country. But on and on Wilson went in his preface,

ticking off Pearl Harbor as Roosevelt's doing, ticking off Hiroshima, ticking off our postwar belligerence toward Russia, ticking off our preparations for bacteriological and biological warfare. The United States, it seemed, had obstructed Castro's socialist revolution, thus forcing him to seek support from the Communists. (Castro was himself to give the lie to this in acknowledging his

long Communist background.) But Wilson was in such a state about any and all wars fought by the United States that he was wild enough to write that though Jews had strong reasons for fighting Hitler, it was wrong of them to support the war, since "the extermination of six million Jews was already very far advanced by the time the United States took action."

Edmund Wilson on The New Republic

To Stanley Dell (Feb. 19, 1921)

"The great news is that I am going on *The New Republic* Monday as managing editor. . . . The magazine has become so dull that the editors themselves say they are unable to read it and the subscribers are dying off like flies. The editors, who started out as gay young freethinkers, have become respectable to the point of stodginess.

"When you become a regular editor of the *N.R.*, you draw a large salary and never go near the office, but stay at home and write books. You can't lose, because the magazine is endowed."

To Stanley Dell (March 4, 1921)

"I am having a very pleasant time here: it is very like a club. The offices are two old houses almost in the river. There are no office hours, you come and go as you please; and lunch is served in a dining room at one. They entertain all the visiting celebrities and liberals, political and literary. As a rule, the visitor, if his views diverge from those of *The New Republic*, is fiercely challenged and made to defend his position against quite unfair odds."

To Walter Lippmann (June 29, 1921)

"My instinct is to feel that, even if a bolder and more ribald treatment of sex and religion, and even of politics, should lose *The New Republic* some of those Unitarian clergymen who, I am told, make up a large part of its subscribers, it would nonetheless bring the magazine readers of an even more important kind."

To Stanley Dell (Aug. 16, 1921)

"My feelings about the *N.R.* are very mixed. It is a good place to be in many ways—particularly from the point of view of moving and leisure—but it is also very irritating in many ways and a chilly and unfriendly home for anybody but a respectable liberal of at least middle age."

To Paul Elmer More (April 22, 1933)

"The liberals whom *The New Republic* represented had never been willing to accept Marx's assumption that the owning class under capitalism must eventually become incapable of running the industrial system—they used to talk about American capitalism gradually 'socializing itself'."

To Bruce Bliven (June 9, 1937)

"If *The New Republic* wants to do any further business with me, we will have to have some kind of agreement that you will print what I write."

To Alyse Gregory (1941)

"I live up here on Cape Cod and don't often get to New York nowadays. I have no connection with *The New Republic* any more—it has really gone to pot."

From *Edmund Wilson: Letters on Literature and Politics 1912-1972*, selected and edited by Elena Wilson; introduction by Daniel Aaron, reviewed p. 47.

Wilson then excused the Southern resistance to the civil rights movement on the grounds that Southerners "have never entirely recognized the authority of the Washington government." This was as mistaken in fact as it was foolish in theory. The South was the most militaristic section of the country and had been enthusiastic for war against Spain in 1898, against Germany in 1917, in Korea in 1950. Southerners in the 1840s had led the attack against Mexico and had wanted to annex Cuba. Lincoln had said over and over what the North knew to be the simple truth—it was the South's attempt to foist the slave system on the free territories that led to the Civil War.

Wilson's bitterness on the subject of America's "power-drive" of course represented the despair of many Americans as their government vainly attempted to "contain" the whole world against Communism. The government since 1941 had become too autonomous and powerful. But Wilson, very much like Thoreau in his own passionate political essays against the American state, made no effort to prove his case; he just helped himself out with terrific images taken from his reading in the power drives of animals. There was little in that preface one could deal with as

historical evidence. It was a series of defiant assertions in the old American style: government is not to be trusted. Many younger Americans were soon to feel this, but they had radical solutions for still *more* government, Leninist style, that Wilson laughed at.

A question naturally emerged. Why, if Wilson felt that way about the Civil War and about American history in general, should he want to spend 15 years on the book? To which the only possible answer was another question. Why, if he *said* he felt that way about the Civil War, should he have written such an extraordinary book around it?

For *Patriotic Gore* is really a great book. It was not only the greatest single performance of Wilson's unique career as a man of letters (and contained in passing the most profound considerations on literature in America I had ever read). It made the passion that went into the war, and into the disillusion that followed it, more affecting than any other contemporary book on this greatest of national American experiences. It had in particular a fullness of historical atmosphere, a sensitivity to the great personages, of the vital writers and leaders, that made the reader see Mrs. Stowe, Lincoln, Grant, Sherman and the others as

commanding figures in a great American epic. Though Abraham Lincoln "examined the mechanical devices that were brought to him in the years of his Presidency and is reported to have understood them, he does not seem to have been much impressed by the development of machinery in America or even much interested in it." "Grant, dying of cancer of the throat and writing his *Personal Memoirs* to provide for his impoverished family, dictated the book until it became impossible to use his voice. Humiliated, bankrupt and voiceless, on the very threshold of death, sleepless at night sitting up in a chair as if he were still in the field and could not risk losing touch with developments, he relived his old campaigns."

There, in the heroes, the writers, the sensitive consciences, the faithful diarists of the conflict, was Edmund Wilson's own story. There was no real social history in this book of studies in the literature of the Civil War, no grasp of the real social issues and movements behind the war and 19th-century America. History to the "old radical" was still, as it had been to Emerson, biography.

As the '60s darkened into war, and he became increasingly ill, his sense of himself, of his necessary authority, became more pronounced and more tragic. At a party in Ed O'Connor's house in the Wellfleet woods, Wilson drunk and defiant said laughingly that the FBI would be suspicious of him. "I've been married four times!" As he stumbled out of the party and down the stairs, the consort of the famous historian who was so proud of knowing exactly who was who on *la plage des intellectuels* said throatily: "Really, shouldn't someone look after the poor old man?"

He was lonely in Wellfleet all the year round, and he was afraid of dying. He gave us the magnificently desolate Audubon print of two long-haired squirrels, each alone on its branch of a tree and looking apprehensive as only a squirrel can look even when it has cornered some food against the evening. He could not stand those squirrels any longer; they reminded him too much of himself. He fortified himself by writing, as indefatigable journal keepers do, "after all, the center of the world is my mind."

Death was the antagonist that his obstinately old-fashioned materialistic philosophy could not defeat. It could give him no help. His minister grandfather's old Presbyterianism was no help. Was it possible that Jews had an answer? The question was as delightful

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to me as Edmund's once writing that he had lost himself in five thousand years of Jewish history and could not get out. One of his favorite maxims in his lonely Wellfleet winters was the plea *Hazak Hazak Vinithazak* addressed by orthodox Jews in synagogue as they finish each scriptural book. *Be Strong. Be Strong. And Let Us Strengthen One Another.* In

Hebrew letters, this is engraven on his tombstone in the Wellfleet cemetery.

This essay is a portion of Alfred Kazin's forthcoming book, New York Jew, to be published in spring, 1978 (Alfred A. Knopf, Inc.). Parts of the essay have appeared previously in the Atlantic.

Books Considered

The Life and Times of Emile Zola by F. W. Hemmings

(Scribner's: \$10)

There has always been a puzzling contrast between Emile Zola's literary reputation in France and the high esteem which he has enjoyed outside his own country, more particularly in Russia, the United States and, after a first horrified reaction, in Great Britain. It is not surprising then that in spite of a resurgence of interest in his work in France, since the '60s, Zola studies have traditionally been centered primarily over here, in Canada and England. Mr. Hemmings' biography, a sequel to a literary study of Zola's work, draws on the mass of new documents that have been brought to light since 1952 when Zola's papers entered the public domain. Mr. Hemmings is a British scholar whose studies on Balzac and Stendhal, and on the social scene in France in the second half of the 19th century have nourished his feeling for the world Zola lived in and also, in consequence, this biography, the first biography of Zola to appear in the last quarter of a century.

The Life and Times of Emile Zola is a tantalizing book. Biographies, of late, tend to come in bulky tomes, and frequently are interspersed with sociological or psychological considerations that claim to integrate more or less systematically the times, the work, the culture, the personality. Professor Hemmings' account of the 62 years of Zola's life in contrast fills less than 200 pages, a number of these lavishly illustrated with cartoons, posters and photographs—

many of these taken by Zola, a camera fan and excellent camera man. They provide a lively, sometimes new, documentation. Indeed, all-in-all, the reader of this biography feels as if he were watching a fast-paced documentary film of Zola's life, which, like the early silent movies, never pauses. Whether he informs us that in 1887 nearing his 50s, Zola measured 44 inches around the waist and weighed 212 lbs; or tells us of Zola's "secret" double life, as the long-faithful husband to his no less faithful childless wife Alexandrine, and simultaneously, from the time he was 48 as the no less faithful lover of the equally faithful young Jeanne Rozzrot, the mother of his two children; whether he describes the writer's methodical approach to his work; or Zola's intervention in the Dreyfus affair and subsequent flight to England; or discusses the possibility that he was finally murdered, for that stand, by some of those working-class men whose condition he had so candidly depicted: whatever the issue, the matter-of-fact chronological narrative progresses at the same tempo; four pages for the trial, five for the year spent in exile in England, barely one for Zola's death. The narrative is almost exclusively factual, even when Mr. Hemmings pauses to scrutinize three photographs of Zola, taken at three typical stages of life: adolescence; manhood, a man aging. We as readers will have to unravel motivations and connec-

tions for ourselves.

One learns a lot in the course of this brief narrative, but certainly not what made this man tick. A real dramatic interest accrues from so carefully sustained an effort of the biographer at objective distancing and understatement. One wonders how this industrious, shy and likeable petit-bourgeois became the independent writer we know and came to risk his life to defend what he called "Truth and Justice." The question arises of the autobiographer's own perspective, the image projected. The absence of any attempt at interpretation is perhaps in part salutary. Zola, in this account, somehow seems to have stumbled into a literary prominence and a role he never thoroughly understood. One imagines how, in contrast, Hugo would have played both to the limit. The same holds true for the writer in relation to his craft, for the planning and execution of Zola's great fictional investigation of French society under Napoleon III. The 20 volume *Rougon-Macquart* often left Zola exhausted and depressed; but, in Mr. Hemmings' account at least, there is no repetition of the great Flaubertian histrionics and *coups de gueule*. One could hardly produce a less dazzling figure. Yet the total effect is of a rather naive heroism.

One's curiosity is whetted but not satisfied. One wants to know more about every aspect of this life, which spans a highly dramatic half-century between 1860 and 1902: the rise and fall of the Second Empire; the war of 1870; the Commune; the death of the Third Republic; the Dreyfus affair. And along with them, several shifts in the social, economic and cultural climate of France. But the intermeshing of these events and of the particular circumstances of Zola's life does not take place; what we have is more akin to a background tapestry than to a multidimensional attempt at integration. Zola was the son of a brilliant, inventive though not

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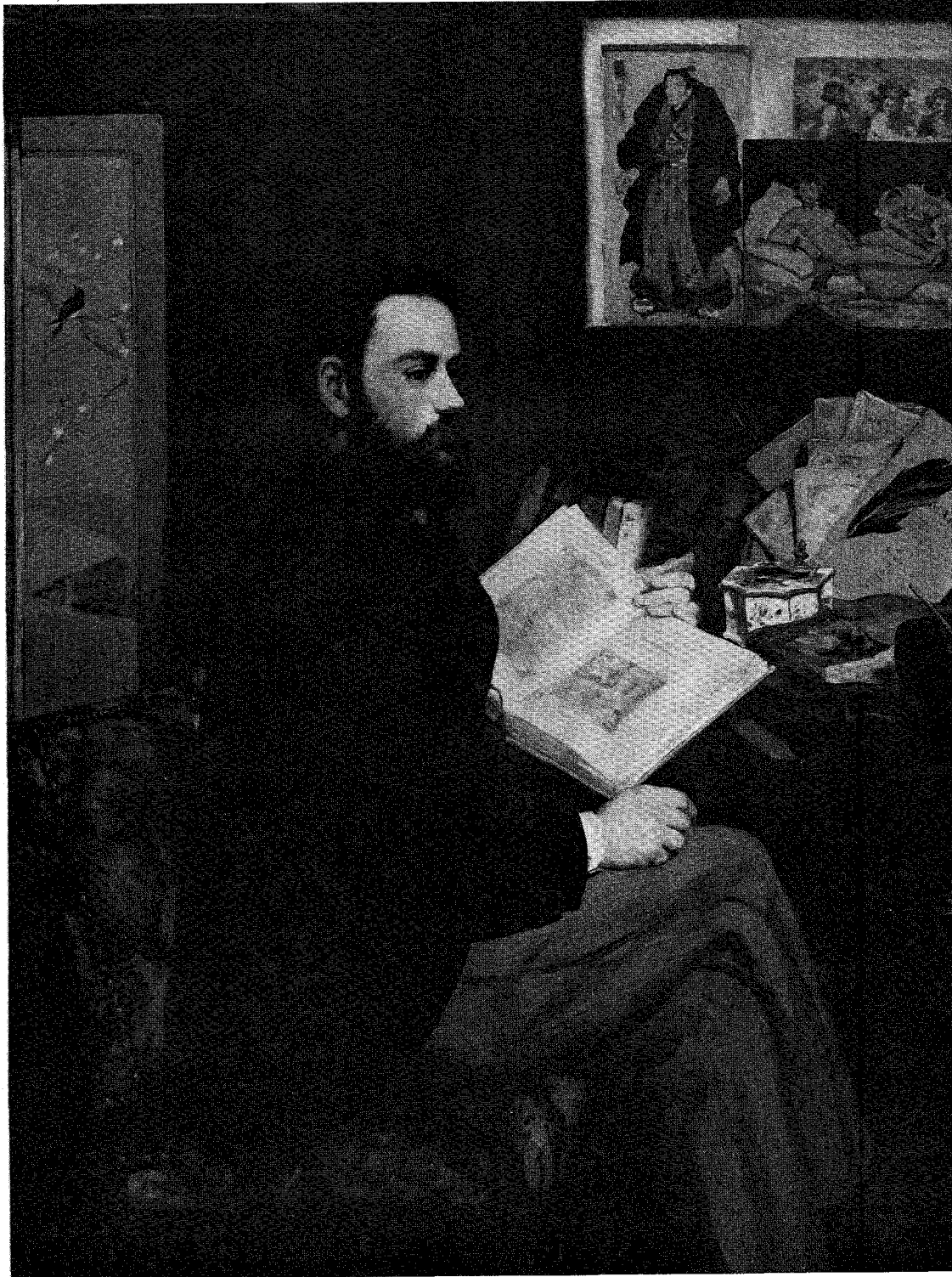
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always practical engineer of Italian origin and a mother from the working-class who supported her son through a needy childhood and adolescence. She worked to keep him in school at Aix well into his late teens, a relatively happy period where he made many lasting friends, not the least among them

publishing house, then as a publicity agent, an experience he would put to good account, and finally as a journalist.

Mr. Hemmings often, with much reason, draws parallels between Zola and Dickens; but difficult though Zola's beginnings in Paris were, he never knew the bitter destitution and shame of the

ambitious young man who left no stone unturned where his own publicity was concerned and fully understood the give and take of literary journalism. As Mr. Hemmings traces the facts of Zola's career, actually the part of Zola's life he stresses almost exclusively, we get glimpses of the man's somewhat ambi-



Emile Zola by Edouard Manet

Cézanne, whose tragically misunderstood work and difficult life contrast so sharply with Zola's rise to affluence. In his late teens, Zola went to Paris, living in a squalid working-class section of the city, first working at odd jobs in a

Dickens family in Marshalsea prison for debt. He was an only child, and seems to have been affectionately close to his hard-working mother, as he was to his wife and to Jeanne. The image we get of him is of a rather fragile but highly

Courtesy of Jeu de Paume, Paris

guous relation with the Impressionists, with the inner circle of writers that gathered around Flaubert in his Paris pied-à-terre every Sunday for many years; of other circles too, such as the circle of his disciples that gathered in the house he bought just outside Paris in the village of Medan, when from scandal to success he had amassed, with a large reading public, a comfortable income. And yet he seems to have been in truth a lonely figure. As Mr. Hemmings notes, not only controversy but a degree of malevolence dogged his steps; to the extent that "none of [Zola's] eminent fellow novelists could be prevailed on to deliver the congratulatory speech" at the end of the banquet given in his honor in 1893 to celebrate the completion of his monumental novel cycle. By then Flaubert had long since died and Maupassant was now insane and himself close to death. This is where, one feels, the "times" part of Mr. Hemmings biography falls short. For he makes no mention of that shift in sensibility and esthetic taste that drew a generation of young esthetes to Mallarmé's salon; decadents and symbolists had little use for Zola's socialism and naturalist esthetic. Thence the critical neglect incurred. It was one

of those erstwhile esthetes, André Gide, who in the socially conscious '30s re-read most of Zola's novels, noted the injustice of that neglect, but did nothing to correct it. Nor for that matter did Sartre, the indefatigable foe of "bourgeois" literary elitism who barely mentions Zola and then only in regard to his role in the Dreyfus Affair. The French literary establishment always feels discomfort when confronted with the kind of socially-oriented writing

Zola practiced, more particularly when it draws a wide audience. But perhaps a new era of interest in Zola has begun; Mr. Hemmings seems to think so. His book will surely convince some of its readers that as yet we know all too little about this man or his writing.

Germaine Brée

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The Callas Legacy by John Ardoin

(Scribner's; \$12.50)

The news of Maria Callas's death reached me just as I was organizing my thoughts to review John Ardoin's new book, which is a study of all her recorded performances. It has not been a good summer: Elvis, Groucho, Stokowski, and now Callas—all archetypal figures in our cultural history. Callas, I have no doubt, was the greatest of them, an epochal singer, who belongs in the company of such recreative giants of the 20th century as Casals, Schnabel, and Toscanini. I never saw her live, not even during her ambiguous return to the concert stage in 1973-74. But, like many who love opera, I have spent more time with her than with any other singer. Indeed I feel as though I have lost an old and intimate acquaintance, though, in truth, she has sung virtually nothing since the early 1960s that one can listen to with pleasure, or in some cases even recognition.

What was her secret? One must almost resort to metaphysical language to do her justice. Before we plumb those depths, however, a few mundane technical matters can be noted. Like all truly great singers, she had a voice that was instantly recognizable. Its most distinctive feature was a covered or "smoky" quality in the lower octave, opening out onto a top that was brilliant but inclined to wiriness. In the course of the 1950s the wiriness turned to wobble, which made its inexorable way down through her upper register. Ardoin, echoing Edward Greenfield, remarks that listeners have varying degrees of tolerance for the Callas wobble. For those with low tolerance the unimpeachable high E flats of Joan Sutherland make her the preferred

interpreter in the roles the two singers shared in common, though the lower octave of Sutherland's voice never possessed the beauty or impact of Callas's.

It was also a voice of considerable size. Wagner's Isolde was a staple of her repertoire in the late '40s and early '50s, a fact that never ceases to amaze when one thinks of the lighter roles with which she later became associated. (Imagine, if you can, Beverly Sills singing Isolde!) During her early recording years she displayed a chest voice of unrivaled excitement and (there is no other word for it) violence. In her first recordings of *La Gioconda* (1952) and *Norma* (1954), she carried this voice thrillingly into the middle register, creating an effect that is almost baritone.

And then, of course, she could lighten her voice and come forward with all the paraphernalia of a coloratura: runs, embellishments, trills, and staccati. She had a particularly endearing way of handling descending scales, almost as distinctive a feature of her vocal manner as the hooded quality of her lower register or her wobble in *alt*. And although she was not without peers in the treatment of florid music (both Sills and Sutherland are more agile, if ever so slightly, and both have better trills), one would have to go back to Lilli Lehmann at the end of the 19th century to find a dramatic soprano of comparable facility. Imaginary comparisons are again useful to suggest her achievement: try to imagine Leontyne Price (with whom Callas shared such roles as Verdi's two Leonoras, Amelia in *Ballo in Maschera*, Aida, Tosca, and Butterfly) or

Birgit Nilsson (with whom she shared Isolde, Aida, Tosca Turandot, and Lady Macbeth) undertaking to sing Lucia, Gilda, or Elvira in *I Puritani*. The thought is positively gruesome.

In purely technical terms, then, the essentials of Callas's greatness were a distinctive sound, power, range, and an uncanny flexibility. These matters are perhaps insufficiently stressed in most discussions of her art, because authors are usually anxious to move on to the more "interesting question of her interpretive powers. We should not, however, be embarrassed to admit that one of the reasons we listen to Callas is that her singing was exceptionally beautiful and exciting.

Nonetheless, beauty and excitement are offered by many singers, and while a good case can be made that Callas offered them in greater measure and throughout a broader repertoire than any other recorded singer, ultimately it was her interpretive genius that set her apart. The peculiar excellence of Callas as an interpreter is, I find, much more difficult to define than her talents as a singer. It is not particularly helpful to be told that she seemed to identify completely with whatever character she portrayed, although that is certainly the case. Less ponderously, one can note her conscientious attention to the text—the manner in which she adjusted her voice and the musical line so as to render the words as intelligibly and tellingly as possible. Above all, however, she had an extraordinary emotional range, in comparison with which most singers sound one-dimensional. Her expressive ability was not of course unrelated to the fact that her voice, in purely technical terms, allowed her so many alternatives: she could make it sound small, vulnerable, and girlish; she could exaggerate its covered quality so as to create the impression of dreaminess; she could belt out chest tones that left no one in doubt that she was hopping mad; and she could turn on the coloratura fireworks to suggest ecstasy or insanity. No other voice has provided its owner with this kind of latitude.

Still, she needed the dramatic intelligence to know which vocal alternative to select, and, even more important, she needed the constructive powers to make a series of vocal gestures into a rounded and believable character. Those powers she possessed to a unique degree, leaving behind an unrivaled legacy of recorded portrayals.

Much of her success as an interpreter, ironically, stemmed from the listener's

realization, whether conscious or unconscious, that he was listening not merely to Violetta, or Lucia, or Norma, but also to Maria Callas herself. Here the pathos of the operatic roles she assumed merged with the pathos of her own life—its squabbles, rivalries, and unhappy romance. Above all else—and never far removed from the listener's awareness—there was the pathos of her voice. Even the earliest recordings show signs of the difficulties that lay ahead. Their extraordinary recklessness seems almost to will a premature retirement. Later one hears her struggling against the impending vocal catastrophe. The anxiety, the sadness, and also the willfulness of her greatest portrayals were at the same time her own anxiety, sadness, and willfulness. Hers was an ironic and peculiarly modern form of artistic greatness: one premised on sure failure. Had she limited her repertoire to one of the recognizable vocal categories,

and had she sung more prudently, she would probably still be on the stage today, as are many of her famous contemporaries. But she would also have been a much lesser singer: merely great, and not the epochal figure she in fact became.

We must be grateful to John Ardoin for providing us with a systematic examination of Callas's recordings. He discusses all of them, pirate as well as commercial, and his descriptions are the most precise and detailed I have yet read. It is a book, like J. B. Steane's *The Grand Tradition*, to which one can turn again and again with pleasure. Its author can hardly have anticipated that it would also be a valedictory of sorts.

Paul Robinson

Paul Robinson teaches history at Stanford University.

[His dancers in *Chicago*] look gleeful and sinister, oozing along, suddenly freezing into out-of-kilter poses. Their pelvises are hyperactive; their feet jab at the floor. The men tend to hunch their shoulders and make elaborate, flippant hand gestures; the women stridently voluptuous, snake their arms. Everyone moves as if perpetually horny, yet meticulously obedient to some unseen puppeteer.

She frequently prefaces her description of a dance by saying something like "Here are a few moments I remember." Even when we sense that no one else would respond to the work in precisely the same way, she never seems to be "imposing" anything on the dance. Her reactions, no matter how subjective, always appear profoundly rooted in the work before her. And despite the vivid pictures she paints, her metaphors never obscure or try to "explain" the movement itself. And yet, she's no formalist.

As a matter of fact, Jowitt is especially good at describing the ways in which movement can suddenly become imbued with emotional connotations and/or narrative significance. She observes for example that in Anthony Tudor's "Romeo and Juliet,"

Pointework has a special expressive function. Juliet steps up onto pointe as if some delicate emotional balance were at stake, or as if she were on unfamiliar ground.

She can take a full-length "Swan Lake" seriously enough to point out occasional lapses of dramatic logic. And she is quick to distinguish movement that poetically and economically advances a storyline from aching literal stretches of pantomime or bursts of self-indulgent virtuosity which reduce talented performers to the status of trained seals.

She is especially sensitive to the ways in which dancers make contact with one another; and she sometimes appears to view ballet as the most civilized of rituals, a repository for the lost ideals of courtesy and generosity. She is, I think, better at describing the quality of an individual dancer's performance than at describing the choreography itself. I don't remember her ever saying of a new work: "Marvelous choreography, but badly performed." What would become of theater criticism if one couldn't identify a great play in a bad production?

Jowitt's tastes are nothing if not eclectic. She can respond with apparently equal enthusiasm to the most diverse

Dance Beat:

Selected Views and Reviews 1967-1976

by Deborah Jowitt

(Marcel Dekker; \$9.95)

"The greatest thing a human soul ever does in this world is to see something and tell what he saw in a plain way. Hundreds of people can talk for one who can think, but thousands can think for one who can see. To see clearly is poetry, prophecy, and religion all in one." It is easy to envision this quote from Ruskin's *Modern Painters* emblazoned on the wall above Deborah Jowitt's typewriter. Jowitt, who has been writing about dance in *The Village Voice* on a weekly basis for almost 10 years now, sees movement more clearly and writes about it more evocatively than any other dance critic at work today, with the possible exception of Arlene Croce.

And unlike Croce, she writes about the entire spectrum of contemporary dance. *Dance Beat*, a carefully selected cross section of her *Voice* reviews, embellished with an occasional *New York Times* Sunday piece, provides more or less equal coverage of ballet, modern, post-modern (or more accurately, post-Cunningham) dance, as well as non-Western, often non-theatrical dance

traditions.

"I often feel as if I'm pursuing a dance with words," writes Jowitt in her introduction. And precisely because dance is so excruciatingly difficult to capture in words (in addition to being difficult to see accurately in the first place and almost as difficult to retain accurately in the memory), perhaps we should forgive Jowitt for contenting herself with simply describing (and thus preserving in print) an otherwise ephemeral event, rather than going on to evaluate, interpret, and make historically-informed comparisons of the sort that we routinely expect from critics of the other arts.

Still, Jowitt's prose creates a wonderfully vivid, often onomatopoeic world in which bodies "jabber" at each other, performers "jackknife in" from the wings, "scud" along, or "noodle" around. She is a master at uncovering the essence of a style by identifying its specific components. Consider this description of Bob Fosse's brand of Broadway razzle-dazzle:

forms of dance activity—from the major ballet companies to the “minimalists.” It’s difficult to imagine such a critic writing in any other art form, a theater critic say, who feels equally at home with the work of Richard Foreman and a production of Shakespeare at Stratford, Ontario. At what point, one wonders, does such eclecticism become an abdication of moral responsibility? Can one be totally supportive of two different phenomena which think of themselves as mutually exclusive? Arlene Croce, by contrast, who is essentially a balletomane, can often seem infuriatingly narrowminded, but at least she takes a stand.

What I sometimes find frustrating about Jowitt is not that she can receive apparently equal amounts of pleasure from Nureyev’s “Sleeping Beauty,” a new work by Balanchine, or a conceptually-oriented performance in a SoHo loft, but that she shows so little interest in predicting which of these immediate pleasures will outlast the others, acquiring the greatest historical resonance.

This indifference to history is evident not only in individual reviews, but also in the way the book is organized: purely by topic, rather than chronologically—making it difficult, if not impossible, to trace any sort of historical progression. Furthermore, Jowitt’s criterion for deciding which of her many reviews merited inclusion is not entirely clear. Aside from touching on certain obligatory bases (the necessity of including something on Balanchine, Robbins, Feld, Graham, etc.), Jowitt appears to have chosen purely on the basis of whether she was happy with a particular review, even if that meant ignoring works which are generally considered “important” or influential. Hence we get nothing on Robbins’ “Watermill,” Taylor’s “Esplanade” or “Runes,” Laura Dean’s “Drumming,” Tharp’s “As Time Goes By” or “Push Comes to Shove.” The coverage of Cunningham is altogether too skimpy and we get no mention of recent phenomena like contact improvisation or the movement away from minimalism in the avant-garde. Of course, there are many compensations, among them a fascinating piece on the evolution of male dancing in America, a superb analysis of Graham’s style, a lovely eulogy to Charles Weidman, and a marvelously insightful essay on gymnastics. Still, the overall feeling one gets from the book is one of sharp, but random impressions.

Of course, Jowitt is hardly alone here. Dance writing, by and large, remains a throwback to the “impressionistic” connoisseurship of 19th century criticism. Compared with the labyrinthine complexities of a Harold Bloom or Edward Said, dance criticism can seem either refreshingly straightforward or embarrassingly naive. In contrast to those varieties of literary criticism which have virtually declared themselves independent of the literary object, dance criticism refuses to stray too far from the immediate surface of the work in question, rarely pausing to theorize or even generalize. (By far the weakest pieces in Jowitt’s collection are

those that skim cavalierly over major esthetic issues).

The so-called “dance boom” notwithstanding, most people still conceive of dance as something-one-does rather than as something-one-thinks-about. It may well be, as Ruskin says, that “thousands can think for one who can see.” Seeing, and telling what one sees in a plain way, may be “the greatest things;” but where serious criticism is concerned, they aren’t the only things.

Roger Copeland

Roger Copeland teaches film and drama at Oberlin College.

America in the Dark: Hollywood and the Gift of Unreality by David Thomson

(Morrow; \$8.95)

“People will think . . .” chastises the refined Emily Norton, and across the breakfast table, Charles Foster Kane snarls an ending for her line: “. . . what I tell them to think!” A very American phrase from an intensely American film, one which occupies a whole chapter of David Thomson’s new book. In more ways than one, *Citizen Kane* is the omnipresent muse hovering over *America in the Dark*: the quintessential movie on such subjects as fraud, power, media hype, and the hollowness at the core. People-will-think/what-I-tell-them-to-think: an ideal motto for the Hollywood moguls who stumbled upon, examined, shaped, and assiduously cultivated a mass audience for several decades. *America in the Dark* is a wonderfully double-edged title for Thomson to have chosen: a movie-hungry populace both shrouded in darkness and constantly unsure of what might transpire next on that great screen in front of them.

Early in his second chapter, “The System,” Thomson posits a crucial hypothesis regarding the country which spawned Hollywood:

Because America is the first man-made nation in the world, it is an invented place where imagined ideals were invoked as a structure for reality. It is the product of artifice, not nature . . . Whether one

regards America now as an Eden or a Poisonville, it is still a country concocted from men’s imaginations.

In short, the fantastic unreality of the native land—perhaps Kafka and Brecht weren’t exaggerating that much in *Amerika* and *Mahagonny* after all—produced a corollary art (or, as Thomson gently insists, a “phenomenon”). Not a high or holy art, but a bastard child whose playpen was decked with toys named Melodrama, Slapstick, Indulgence, Sensation, Extravagance—and Fun.

Fun is a good word for Thomson’s book, too. Educational is another; I can’t think of another study of Hollywood since Brownlow’s *The Parade’s Gone By* which has given me so much information and pleasure simultaneously. Anecdotes, history, technical explication, scene analysis, retrospectives on various actors, criticism . . . *America in the Dark* is a small gold mine of lore for the scholar and a treasure chest of revelations for the buff, moviegoer, or casual reader. The first few pages sketch in Thomson’s childhood in wartime London for us, when the only large buildings still erect in the rubble seemed to be the beautiful old cinema palaces beckoning to small boys, housewives, and old people alike. (There’s a wonderful two-paragraph *précis* of the actual



Citizen Kane

Still collection, American Film Institute

moviegoing experience as Thomson recalls it, from the lights fading, to the plastic doll selling ice cream, to the great curtains majestically whooshing apart to reveal the screen.) Seeing *Citizen Kane* "was like seeing the ocean for the first time;" later in the book, he spends 30 pages trying to fathom that ocean. Thomson's evocation of the kid growing up, turning to criticism, and finding (to the dismay of his literature teachers) that he enjoyed Wordsworth and Howard Hawks equally is so sure-footed and vivid that one's esthetic objections to these strange bedfellows are stilled.

I disagreed often—and loudly—with Thomson throughout much of *America in the Dark*, chiefly when he started to spin (over) elaborate theories on the sexual perversion implicit in *The Conversation* or how *Persona* owed a great debt to women's pictures of the 1940s (as if Bergman had to examine *Dark Victory* or *Mildred Pierce* before making his masterpiece). I also have trouble with a few assumptions blithely tossed off about current directors, cf., the "versatile" Peter Bogdanovich. Still, differences of opinion are possible here because the author knows his own mind, knows what he likes, and doesn't hesitate to say so; each time I knew precisely *why* I disagreed, a refreshing change from the bulk of recent film criticism which seems to have been spewed forth by a computer programmed to please everyone and offend nobody.

Thomson divides his book between the childhood prologue and the summing-up section into six chapters

covering different aspects of Hollywood filmmaking. One of these, "Man and the Mean Street," concentrates on the urban crime picture and contains first-rate analysis of such disparate topics as Jimmy Cagney, *The Big Heat*, and *The Godfather*. Thomson seems to me exactly on target when he brands the last-named film conservative and reassuring with its dedication to the Corleone family unit at all costs, and also when he speculates on how different the clan might have looked if Luis Buñuel had directed it satirically rather than with the straight-faced Coppolan seriousness. The chapter on *Kane* begins wickedly ("Citizen Kane grows with every year as America comes to resemble it"), adroitly points out how feelings and money are equated throughout the narrative, examines the presence of things in the film (Rosebud, statues, newspapers, games, silent halls crammed with artifacts) and their function as props on vast, dehumanizing sets for Kane's lonely progression, and concludes with speculations on the curse of subjectivity: the battle between self and meaningfulness, between style and substance. Self and style win out; that's the American way and the medium and message of this titanic and irresistible film. All argued forcefully and persuasively by Thomson.

There is a tracing of the careers of the early moguls—Zukor, Lasky, Sam Goldfish, Louis B. Mayer, the Warners; an amused comparison of wealth in the movies as audience bait and wealth in Hollywood as audience PR; a thoughtful

diagnosis of the problems inherent in being a female star ("The star . . . has to be a hollow receptacle into which millions can believe they are pouring themselves"), ranging from stereotyping to rehearsed plots to the necessity of being *greater* than ordinary people. There are cogent looks at two craftsmen in their fields, D.W. Griffith and David O. Selznick, and their respective greatest achievements, *Birth of a Nation* (1915) and *Gone With the Wind* (1939)—both treating the South, both hugely expensive, both enormously long, both immensely successful—intellectually vapid, but high-spirited and *entertaining*, that magic Hollywood word. Even critics of the system reacted playfully or in good-natured exasperation to the muddled, mindless activity going on, Herman Mankiewicz's telegram to Ben Hecht back in New York being perhaps the most characteristic:

WILL YOU ACCEPT THREE HUNDRED PER WEEK TO WORK PARAMOUNT? ALL EXPENSES PAID. THE THREE HUNDRED IS PEANUTS. MILLIONS ARE TO BE GRABBED OUT HERE AND YOUR ONLY COMPETITION IS IDIOTS. DON'T LET THIS GET AROUND.

Despite a fondness for such stories (who can blame him?), Thomson can be serious—and critical—when the spirit moves him. The last of the 46 films he analyzes in the book is *All the President's Men*, and his 11-page treatment is a scathing, intricately woven denunciation of the film's old-fashioned texture, confusions, and contrived melodrama. At times one is tempted to ask why these standards—evidently adequate for many of the other films covered in the book—are wrong for this particular movie, but a number of Thomson's other points are fascinating: the link between this film and *Citizen Kane*: (both searches for the "truth," both redolent with shadowy meetings, interviews, and minute perspectives on reality); the slight aura of exploitation surrounding the movie, two books, and Georgetown houses, all the result of a defense of the Constitution. (Rather like Charles Foster Kane, keeping tabs on his news empire from the depths of Xanadu.)

The best chapter of all, "The Audience," epitomizes the book: a multitude of topics synthesized into a coherent, thoughtful whole. Observations on film vs. theater acting (and filmgoing vs. theatergoing), the effect of sound and feature-length pictures on such men as Chaplin and Fairbanks, the

relation of editing to the irrational and to dreams, the crowd mentality so vital to the box office (Thomson wisely quotes Nathanael West's *The Day of the Locust* to point out the restless mobs waiting to be placated by movies), the ways in which the deaths of favorite performers affect us when we see their films again. This last observation struck a responsive chord in me: since I know that Jean Gabin, Anna Magnani, and Victor Sjöström will never make another film, I can appreciate *Grand Illusion*, *Open City*, and *Wild Strawberries* all the more.

People will think . . . what I tell them to think. That might serve as another title for *America in the Dark* which, without rushing off down such dead-end streets as declaring instant masterpieces or

indulging in auteur theorizing, brings to life that dream factory bent on guessing which dreams would sell and on dictating them as well. There is a poster (designed by Jim Lapine) which bears the wry caption: "HOLLYWOOD: America's illusory institution charged with the function of putting glitter on stars and cellophane on baloney." One needn't be a Hollywood devotee—I'm not—to praise David Thomson where praise is clearly due: for turning the "fraudulent Eden" into something vivid, delightful, and real.

Steve Lawson

Steve Lawson is a contributing editor of *Yale/Theatre*.

The Back of the Book

Edmund Wilson:

Letters on Literature and Politics 1912-1972,
selected and edited by Elena Wilson;
introduction by Daniel Aaron

(Farrar, Straus & Giroux; \$20)

Letters are untrustworthy as biography, especially in the case of a critic like Edmund Wilson who was aware, as he wrote Floyd Dell (June 19, 1952), that "the letters and records of writers of genius are one of the only ways we have of finding out how life was really lived in any given time or place." Wilson knew he was keeping a record in his letters. Yet the record was less of how life was lived in his time and place, than of his own extraordinary taste.

From 1912, when he wrote his Hill School friend, Alfred Bellinger, that they would "give entirely candid opinions" of books they interchanged, to his last letters in the '70s, Wilson gave his entirely candid opinions to, and of, Fitzgerald, Mencken, Allen Tate, T.S. Eliot, Hemingway, James Thurber, Faulkner, Dos Passos, Nabokov and everyone else worth his considering. Over the years his taste broadened but did not falter. He always knew what he liked in literature, and why; and the several languages he taught himself and the cultures that went with them only

confirmed the principles of taste which Wilson seemed to have fully developed by the age of 17.

He never named those principles. Instead he concentrated on particulars, preferring Browning to Byron, Macaulay to Chesterton; commending Joyce to Fitzgerald and to his mentor, Christian Gauss; telling Tate in 1923, "you are too much still under other people's influences—especially Eliot's." Wilson was all of 28 when he wrote that; he could get away with directness because he was serious. In a letter of 1921, he called himself "old Dr. Wilson," acknowledging that he had been born in middle age, a fact which gave him the detachment in his own writing which he urged on others.

Detachment was one of Wilson's principles. Form was another. "Tighten up your artistic conscience and pay a little more attention to form," he warned Fitzgerald; otherwise "you might become a very popular trashy novelist without much difficulty." Form did not mean rigidity or narrowness,

however. In 1918 he wrote Gilbert Troxwell: "remember that all life is the proper field of art and that men behave and feel in a variety of ways."

This openness to possibility is the key both to Wilson's criticism and politics. He could not stomach capitalism or jingoism any easier than knee-jerk anti-Americanism. In 1929 he told Tate: "the American social revolutionaries who look forward to a clean sweep of American bourgeois civilization seem to me in the same class as the people whose eyes are turned toward the past, because they are looking forward to something which seems to be extremely unlikely, if not impossible." The canker, Wilson felt, was adamant ideology, which feared the "continuity of life" and opposed the idea of civilization.

Wilson believed in civilization—in the '20s he seemed to try to forge a civilization out of his Princeton friends. If the idea of civilization could not be found in life, it could always be found in books. Stationed in France in 1917 he wrote how he hated the "Nationalistic War" that prevented him from following "that art which is more real to me than anything else in life." The only sad element in his letters, in fact, is the picture of a man to whom art *was* more real than life. He wasn't afraid of life; he just preferred art to it. He wanted to see all of life contained in art.

This is probably why Wilson sought people, characters, in literature over technique, themes or cleverness. He could not abide Conrad's *Under Western Eyes*, for example, because, as he told Morton Zabel in 1938, he thought "non-participant observers were alibis for not showing the main characters from the inside." The standard rebuttal is that Conrad meant the narrator to stay on the outside to show that Westerners cannot get inside the Russian soul, but Wilson would not have bought it. For him, there were enough mysteries in any soul once you got there; and not to get there, even intentionally, was an evasion.

How important a literary figure Wilson was, or will be judged, is hard to tell. New and young writers rarely mention Wilson (if they read him). As a novelist he was too self-contained for modern honors. And as a critic he was too wise by half, a form of self-containment. Like Samuel Johnson, Wilson was concerned with taste rather than fashion; but unlike Johnson he wrote for a public in which there was no common body of learning. A lot of the brilliance in Wilson's criticism was

mistaken for information.

Moreover, he took the middle way in criticism, refusing to say that everything old was great, everything new trash, or vice versa. Critics who do one or the other draw a following, an easy feat in a romantic era. Writers who trust such critics either wind up writing for too large a public or too small. Wilson merely wanted writers to write well, so he was inadvertently an enemy of his age, despite his having one of the best minds in it.

Whether Wilson will be remembered 100 years hence depends to a great degree on universities, which have also encouraged writers writing for too small or large a public, and which, as institutions of learning, Wilson held in open contempt. Wilson coined no pet phrases, unlike Eliot and Matthew Arnold. He avoided "schools" and movements. He had none of Yeats's showmanship in speaking for a literary renaissance. One thing he did have was a clear and forceful style, so it is possible that he will make future anthologies for his least remarkable quality.

His most remarkable quality was his fierce love of excellence.

Roger Rosenblatt

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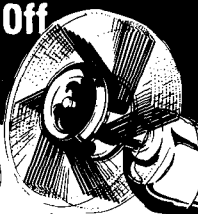
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Correspondence, from page 3

Korean history and a surprising lack of skepticism.

President Park's dismantling of democratic political institutions, his suppression of freedom of the press and expression, and the arrest, torture, and conviction of students, professors, newsmen and political critics without due process of law may have been coincidental with a weakening US military commitment after 1971, but it was inspired chiefly by his desire to consolidate and perpetuate his dictatorial rule in South Korea. I would agree with Kondracke that the military threat from the north is a real one, but it has *always* been a real threat even when some attempt was being made to utilize democratic institutions. His democratic critics have argued that the solidarity of the ROK would be even greater with a free and participatory political system than under the present authoritarian controls of a police state.

It may be true that at the present time the number of political prisoners is not large and that torture is used less than it used to be, but this is only because after a protracted struggle by courageous opponents of the Park regime against a variety of inhuman tortures and the ruthless power of the ROK CIA, people learned to keep their mouths shut on political questions. Kondracke has witnessed a society which has been cowed into submission by the past use of force and the present threat of force, but all he can see is people going about their daily business.

It is total nonsense to say that the jailed critics of the regime deserved jail because they refused to abide by the law that prohibits criticism of dictatorship and repression. It is a travesty to say that police brutality is only a quaint cultural characteristic of the Korean people. And it is just plain ignorance to make light of the kidnapping of Kim Dae-jung (among others) and the prevalence of corruption in the highest government and business circles. The alleged freedom of National Assembly members to criticize the government is a joke, since the publication of their remarks is illegal; for that matter, the voicing of criticism of the government to Kondracke himself is a crime against the state.

James B. Palais
University of Washington

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Modern political science could perform a great service by developing a dependable Despot-o-meter, a computerized device to scientifically rate the world's dictators. Such a machine could help Jimmy Carter, Congress and the American people decide whether this or that particular tyrant deserves to be the recipient of US military aid or a scolding from our human rights department, or both. The gadget should be welcomed (but might be banned) at the United Nations, where there is an obvious need of standards for condemning human rights violators more objective than the color of their ideologies or their skins. When not employed on current cases, the device could be used for historical research. PhD candidates could use it to rank caesars and czars. The editors of *Commentary* could rent it to determine once and for all who was worse, Hitler or Stalin. I, for one, would like to know conclusively who was the most Draconian of them all: Attila the Hun, Genghis Khan, or perhaps Draco of Athens himself, who prescribed death as the punishment for every crime.

You think I am being facetious about a serious subject, but I will illustrate the need for this machine. Answer quickly. Who is the greater despot—Idi Amin or Saloth Sar? I am guessing you don't find Saloth Sar a household word, but if a Despot-o-meter existed, the secretary general of the Cambodian Communist party would currently top the inhumanity-to-man charts, far outstripping the comic-strip butcher who is president of Uganda. I think a monthly rating of the despots of the world would focus attention on the worst of them, allowing none to escape notice through the vagaries of press coverage or popular fascination.

I first thought about the need for systematic dictator-rating during a recent trip to Asia, where despots abound but Western perceptions of them seem wildly out of line with reality. If you took a poll in America, asking respondents to rank the autocrats of Asia, I'd bet that Park Chung Hee of South Korea would top (or bottom) the list, followed by Kim Il Sung of North Korea, followed by a mish-mash of middling baddies including Marcos of the Philippines, the Vietnamese politburo, China's Hua Kuo-feng, Cambodia's Pol Pot (who may be Saloth Sar hiding behind a

pseudonym), Suharto of Indonesia and Bhutto and Zia in Pakistan, followed by the bosses of Thailand, Bangladesh, Taiwan, Malaysia and Singapore. Not being a computer, or even a political scientist, I would not presume to dictate an alternative ranking. But I do think that a Despot-o-meter, if it were provided with a fair computer program and if it were fed objective factual data, would spit the list back in a different order.

It ought to be possible to design a fair computer program, a kind of calculus of tyranny, based on cost-benefit theory. *How much has this despot done for his (or her) people?* This would be our first calculation. From that, we would subtract the sum of the costs—that is, the penalties of despotism. Take the Peoples Republic of China as an example. Without question, China's 900 million people are better off, materially, than they were in 1949, when the Communist regime came to power. Infant mortality is down. Life expectancy is up. Per capita calorie intake is greater. The income gap between rich and poor has closed since the rich have been eliminated. You would quantify these and other benefits, and also work out a cost index based on such considerations as: How many people had to be killed for the regime to take and keep power? How many are jailed every year on political charges? How many get tortured? How many person-years are devoted to secret-policing? My guess is that when the costs and benefits were balanced electronically, the Peoples Republic would look worse in the Despot-o-ratings than it does nowadays in the American press or in the public's mind.

Cambodia, as I indicated, probably would emerge right now as one of the world's worst dictatorships. The benefits it has brought to its people in the last two years seem nil, and the cost in human lives has been in the tens or hundreds of thousands. Vietnam, at least, is trying to produce benefits, though it is hampered by its ideological need to collectivize and its inability to give people positive incentives to work. The government is thought to have killed only a few hundred people and to have jailed perhaps 200,000 for "re-education." North Korea, which seems to have produced few benefits for its people during 30 years under Kim Il Sung, loses additional points, as any

dictatorship should, for starting a war and for continuing aggressive behavior against its neighbors. Kim also loses points for personality cultism.

You probably suspect from what I have said that my computer is prejudiced against Communist dictatorships, but it isn't so. Communists would start out with handicaps on the cost side because they don't ever allow elections and forbid a free press. But theoretically they should be able to make up for these deficiencies on the benefit side, since the whole purpose of socialism is to benefit the people. So I account it entirely possible that the Despot-o-meter would show some non-Communist tyrants to be worse than some Communists. Suharto is a likely prospect. Indonesia is perpetually in the doldrums economically, though it is potentially rich, so there is not much to show in the benefit column. At the same time, Suharto is thought to have up to 100,000 people in political prisons.

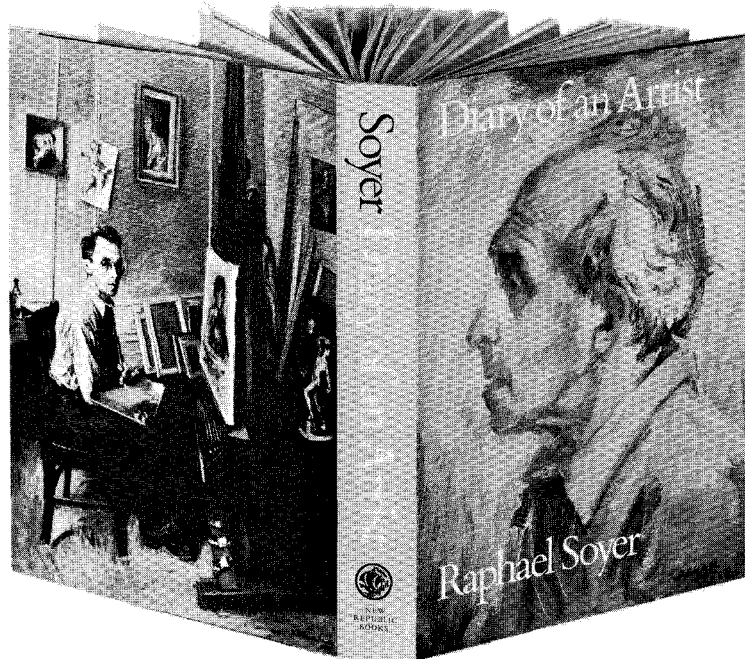
Another non-Communist for whom there seems little positive to say is Pakistan's Zulfikar Ali Bhutto, who has made a botch of his country's economy despite a Berkeley-Oxford education, and seems to have committed every crime including murder and kidnapping to keep himself in power, which he has failed to do. Dictators also ought to drop Despot-o-points if they are personally corrupt, and here, too, Bhutto comes up a loser. Ferdinand Marcos of the Philippines is suspected of having enriched himself and his political allies, too. His regime has carried out widespread torture during five years of martial law, and about 5000 people are in jail. Surprisingly, South Korea's Park Chung Hee seems to come out the best among his fellow despots in cost-benefit analysis, and he deserves a few extra points for racing the mitigating circumstance of Kim Il Sung's hostility.

I would like to see something come of this Despot-o-meter concept. I would apply for a patent myself if I knew anything about electronics, but I know it has one crowning flaw: the data. Garbage in-garbage out, as the computer experts say, and there is no way to make a dictator give you an accurate count of how many people he's tortured today.

M.M.K.

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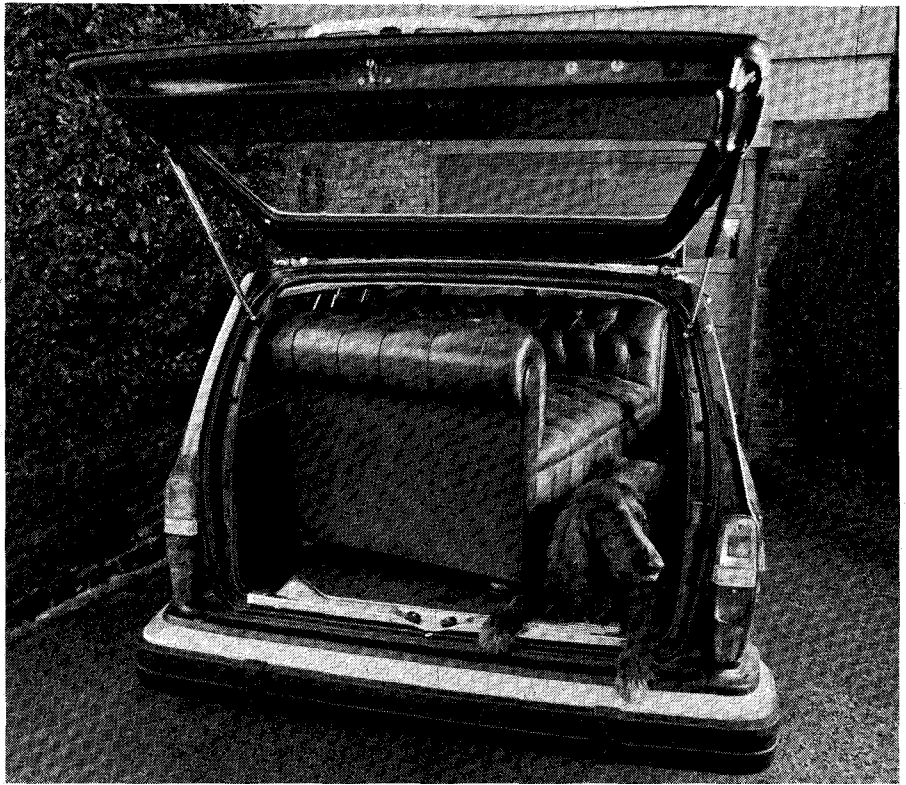
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